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CITY OF BUSSELTON

MINUTES FOR THE COUNCIL MEETING HELD ON 13 SEPTEMBER 2017

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MINUTES

MINUTES OF A MEETING OF THE A MEETING OF THE BUSSELTON CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 13 SEPTEMBER 2017 AT 5.30PM.

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 5.33pm.

2. ATTENDANCE

Presiding Member:

Cr Grant Henley Mayor

Members:

Cr Coralie Tarbotton
Cr Ross Paine
Cr Terry Best
Cr John McCallum
Cr Rob Bennett
Cr Paul Carter
Cr Robert Reekie
Cr Gordon Bleechmore

Officers:

Mr Mike Archer, Chief Executive Officer
Mr Oliver Darby, Director, Engineering and Works Services
Mr Paul Needham, Director, Planning and Development Services
Mrs Naomi Searle, Director, Community and Commercial Services
Mr Cliff Frewing, Director, Finance and Corporate Services
Miss Kate Dudley, Administration Officer, Governance

Apologies

Nil

Approved Leave of Absence

Nil

Media:

"Busselton-Dunsborough Times"
"Busselton-Dunsborough Mail"

Public:

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3. PRAYER

Nil

4. PUBLIC QUESTION TIME**Response to Previous Questions Taken on Notice**

Nil

Public Question Time

Nil

5. ANNOUNCEMENTS WITHOUT DISCUSSION**Announcements by the Presiding Member**

The Presiding Member shared a special welcome to the Shire of Dandaragan.

Announcements by other Members at the invitation of the Presiding Member

Cr Gordon Bleechmore attended the Sandakan Memorial Service in Boyup Brook on behalf of the Mayor. The 72 years peace treaty was presented.

Cr John McCallum attended the Peron Naturalist Partnership AGM on Friday, 8 September 2017.

6. APPLICATION FOR LEAVE OF ABSENCE

Nil

7. PETITIONS AND PRESENTATIONS

Mr Peter Harding presented to Council as a Party with an interest on item 11.2 on behalf of the applicant. Mr Peter Harding was in general agreeance with Cr Bleechmores alternate recommendation.

8. DISCLOSURE OF INTERESTS

Nil

9. CONFIRMATION AND RECEIPT OF MINUTES**Previous Council Meetings****9.1 Minutes of the Council Meeting held 22 August 2017****COUNCIL DECISION**

C1709/209

Moved Councillor T Best, seconded Councillor J McCallum

That the Minutes of the Council Meeting held 22 August 2017 be confirmed as a true and correct record.

CARRIED 9/0

Committee Meetings9.2 Minutes of the Policy and Legislation Committee Meeting held 17 August 2017**COUNCIL DECISION****C1709/210**

Moved Councillor C Tarbotton, seconded Councillor R Reekie

That the minutes of the Policy and Legislation Committee Meeting held 17 August 2017 be confirmed as a true and correct record.

CARRIED 9/0**ITEMS BROUGHT FORWARD AND ADOPTION BY EXCEPTION RESOLUTION**

At this juncture the Mayor advised the meeting that with the exception of the items identified to be withdrawn for discussion, that the remaining reports, including the Committee and Officer Recommendations, will be adopted en bloc.

En Bloc Motion**COUNCIL DECISION/ COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION****C1709/211**

Moved Councillor J McCallum, seconded Councillor P Carter

That the Committee and Officer Recommendations in relation to the following agenda items be carried en bloc:

- 10.1 Policy and Legislation Committee - 17/08/2017 - LOCAL PLANNING POLICY - HOLIDAY HOMES
- 10.2 Policy and Legislation Committee - 17/08/2017 - COUNCIL POLICY 243 - REHOMING OF IMPOUNDED DOGS AND CATS
- 10.4 Policy and Legislation Committee - 17/08/2017 - REVIEW OF POLICY 236 RATING
- 10.5 Policy and Legislation Committee - 17/08/2017 - POLICY - AASB124 RELATED PARTY DISCLOSURES
- 11.1 PROPOSED SCHEME AMENDMENT 27 TO LOCAL PLANNING SCHEME 21 AND DRAFT STRUCTURE PLAN FOR LOT 10 COMMONAGE ROAD, DUNSBOROUGH
- 12.1 PROCLAMATION OF MAIN ROADS - BUSSELL HIGHWAY, NORTHERLY STREET AND WALGER CLOSE
- 13.1 DRAFT LIBRARY SERVICES STRATEGY 2017-2027
- 15.1 COUNCILLORS' INFORMATION BULLITEN

EN BLOC**CARRIED 9/0**

10. REPORTS OF COMMITTEE

10.1 Policy and Legislation Committee - 17/08/2017 - LOCAL PLANNING POLICY - HOLIDAY HOMES

SUBJECT INDEX:	Development Control Policy
STRATEGIC OBJECTIVE:	Attractive parks and open spaces that create opportunities for people to come together, socialise and enjoy a range of activities.
BUSINESS UNIT:	Development Services and Policy
ACTIVITY UNIT:	Development Services
REPORTING OFFICER:	Senior Development Planner - Andrew Watts
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Local Planning Policy 7C Holiday Homes Provisions⇒ Attachment B 7C Holiday Homes Provisions⇒ Attachment C Planning Bulletin 99⇒

This item was considered by the Policy and Legislation Committee at its meeting on 17 August 2017, the recommendations from which have been included in this report.

PRÉCIS

As a part of the review of the City's planning framework, it has been identified that a review of the current City of Busselton *Local Planning Policy 7C Holiday Homes Provisions* (LPP 7C) [Attachment A] is appropriate.

The revised Policy is presented to Council for review and Council's approval is sought to proceed to advertising of an amended City of Busselton *Local Planning Policy - Holiday Homes Provisions* (Attachment B), following which the revised policy would be further considered by the Council, in light of any submissions received.

BACKGROUND

In December 2012 the Council adopted LPP 7C; this was one of the final steps in the introduction of a regulatory regime for holiday homes in the City. Prior to that time, holiday homes had been essentially *de facto* unregulated. The regulatory regime was brought into effect in a practical sense during 2013.

The current policy includes restrictions on the locations of holiday homes within residential areas, where holiday homes are generally not supported in those residential areas more distant from the coast and other significant tourist facilities (e.g. Yalyalup, Vasse). Despite that, a number of applications have been received for properties in those areas. Some of those applications have been referred to Council for determination with approval in some cases being granted. It should also be noted that, during the introductory phase, during 2013, approvals were generally granted for 'established' holiday homes in those areas.

Holiday homes are an economically important component of the local tourist accommodation mix and play a significant role as part of a pathway to permanent residency in the City. Because of that, a significant proportion of the construction related employment in the City is related to holiday homes. That was, in fact, an important finding, including specifically in relation to the City of Busselton, of an extensive study into temporary population flows in coastal areas undertaken for the Australian Coastal Councils' Association.

It is also considered that, relative to the scale of the holiday home industry in the City (with upwards of 600 homes being registered), the number of complaints received by the City in respect to the operation of approved holiday homes is very low (in the order of 70 in total over five years, of which the bulk are repeat complaints related to a small number of properties only).

The amended policy proposes a removal of location restrictions for holiday homes. The policy is also in a revised format identifying 'deemed-to-comply' and 'performance criteria' provisions. These matters are outlined and discussed further in the 'Officer Comment' section of this report.

In addition to the above, it is recommended that the Council foreshadow amending the town planning scheme to reduce the need to consult on some classes of applications in future. This is also discussed in more detail in the 'Officer Comment' section of this report.

STATUTORY ENVIRONMENT

The key statutory environment relevant to this matter is set out in the *Planning and Development Act 2005*, the *Planning and Development (Local Planning Schemes) Regulations 2015*, the City's Local Planning Scheme and the City's Holiday Homes Local Law.

RELEVANT PLANS AND POLICIES

LPP 7C sets out guidance to determine an application for a holiday home; a copy of the current policy is provided as Attachment A.

Western Australian Planning Commission Planning Bulletin 99 (PB99) sets out the aims for local governments when drafting Local Planning Policy on Holiday Homes. The proposed Policy is generally consistent with the aims of PB99. A copy of PB99 is at Attachment C.

This report recommends the adoption of a revised local planning policy to supplement cl 5.17 of the City's Planning Scheme.

FINANCIAL IMPLICATIONS

The revised policy, if adopted by the Council after consultation, would marginally reduce the cost to the City of assessing applications for development approval for holiday homes.

Long-Term Financial Plan Implications

There are no significant Long Term Financial Plan Implications.

STRATEGIC COMMUNITY OBJECTIVES

The recommendation of this report reflects Community Objectives 2.2 and 3.1 of the Strategic Community Plan 2013, which are –

- 2.2 A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
- 3.1 A strong, innovative and diversified economy that attracts people to live, work, invest and visit.

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. The assessment identifies 'downside' risks only, rather than 'upside' risks as well. Risks are only identified where the individual risk, once controls are identified, is medium or greater. No such risks were identified.

CONSULTATION

Consultation regarding the proposed amendment of the local planning policy, if that is supported by the Council, will require notice and invitation for submissions to be received within 21 days, following which the amendments would be further considered by the Council, in light of any submissions received

OFFICER COMMENT

The most substantive change proposed with the draft policy is the removal of restrictions on the location of holiday homes in some residential areas. At present, the policy does not support holiday homes being established in some residential areas, mostly areas that are further from the coast and tourist amenities, including areas such as Vasse, Yalyalup (i.e. Provence, Via Vasse, Willow Grove, Country Road estates) and parts of Dunsborough (i.e. areas to the west of Naturaliste Terrace, including the Cape Rise and Naturaliste Heights estates). Notably, as a result of revisions made to the policy in 2015, the policy does currently support holiday homes in the area of the Dunsborough Lakes estate.

Since those 2015 revisions were made, which were driven in part by consideration of a number of applications for holiday homes in the area of the Dunsborough Lakes estate, there have been a number of applications and enquiries related to establishment of holiday homes in the north-western portion of the Dunsborough urban area; in older areas between Naturaliste Terrace and Cape Naturaliste Road, as well as in the area to the west of Cape Naturaliste Road, such as in the Cape Rise and Naturaliste Heights estates. There have also been applications and enquiries relating to some areas of the Busselton-Vasse urban where holiday homes are not currently supported, including the area of the Willow Grove estate.

Having considered the issues, officers are of the view that the restrictions do not have a clear purpose or rationale, and are not necessary. It is considered likely that holiday homes will still tend to be located predominantly in what most would consider to be higher tourism amenity locations – principally, locations closer to the coast. It is also considered, though, that the areas where the most pressure to approve holiday homes in the restricted areas is apparent are also actually areas that do have a suitable amenity – including those north-western areas in Dunsborough, and lower density residential areas in Busselton, such as Willow Grove or Country Road. These also tend to be the areas where the majority of 'established' holiday homes were approved during the introductory phase.

Almost exclusively the issues that are raised by members of the public in respect to proposed or existing holiday homes relate to impact on the amenity of neighbouring properties as a result of concerns regarding potential or perceived:

- Anti-social behavior;
- Noise;
- Lack of privacy;
- Traffic and parking;
- Inadequacy of property to accommodate the proposed number of occupants;

- Waste management; and
- Holiday home managers not fulfilling their responsibilities.

Whilst these issues are regularly raised during consultation, it is apparent that for the overwhelming majority of holiday homes, they do not appear to be significant problems once holiday homes are actually operating. Whilst the information base is limited and largely anecdotal, it is certainly the view of City officers that have been involved both before and now after the introduction of the current regulatory regime, that complaints and concerns are fewer and less intense than what they were prior to the introduction of the current regime. It is also worth noting that problems of this kind can also arise with permanently occupied housing, or with holiday homes not being used for commercial purposes – although the experience is in some ways qualitatively different.

To provide for more clarity for applicants, neighbours and assessing officers in regard to the determination of the suitability of an individual property as a holiday home, the proposed policy has also been amended to provide clearer and in some instances tighter guidelines on utility servicing, dwelling design, car parking and fire management requirements.

The format of the policy has been restructured such that each of the elements against which a proposed holiday home is to be assessed has been set out under a separate heading, with ‘deemed-to-comply’ provisions being identified, the satisfying of which would make the proposal considered acceptable, and performance criteria also being identified – the latter intended to be applied when a proposal does not meet the relevant deemed-to-comply provisions. This format is designed to provide greater ease of use and certainty for applicants, and clear development standards by which an application will be assessed.

Applications that meet all of the ‘deemed-to-comply’ provisions would be approved without further assessment. Applications that do not meet all of the ‘deemed-to-comply’ provisions would be assessed against the relevant ‘performance criteria’ (i.e. they would only be assessed against the latter in relation to those aspects to which they do not meet the former). So if the ‘car parking’ deemed-to-comply provisions are met, but the ‘dwelling design’ ones are not, dwelling design related issues would require assessment against the dwelling design performance criteria, but the car parking related issues would not require assessment against the car parking related performance criteria.

In addition to the above, it is also recommended that the Council foreshadow future changes to the town planning scheme that would narrow the circumstances in which holiday home applications would be subject of consultation. At present, all applications must be subject of consultation if they are for the use of grouped dwellings (units, villas or the like) or multiple dwellings (flats, apartments or the like), or for single houses where nine or more people (noting that the maximum number permissible in single houses is 12) are proposed to be accommodated.

A significant proportion of holiday homes in single houses are for 9 or more people, usually 12, and as such in those cases advertising is always required. In many instances, however, there would be no basis to refuse an application, and there is no conceivable issue that could be raised during consultation that might reasonably justify a refusal. Notwithstanding that, where consultation is compulsory, neighbours may be inclined to object. As a general principle, it is felt that consultation should be avoided if there is not a reasonable prospect of the consultation response having a significant effect on the ultimate decision. That is because: consultation creates an expectation that the consultees’ views will have a significant bearing on the outcome, and where that does not occur it often causes more concern than if consultation had not occurred in the first place; consultation in such circumstances can undermine the relationship between the applicant and their neighbours; and consultation in such circumstances unnecessarily delays and adds to the costs of decision-making, both from the perspective of the applicant and the City.

Given the above, it is recommended that the Council foreshadow amending the scheme such that the scheme itself does not mandate consultation. As is the case now, though, it would still be proposed that holiday homes be classed as discretionary land-uses, allowing consultation to occur where it is considered appropriate, and local planning policy could be used to provide guidance in that regard. In general terms, officers envisage that consultation would not take place where all of the 'deemed-to-comply' provisions are met, but would occur where one or more of the 'performance criteria' needs to be considered. That is broadly consistent with the approach set out by the State in the R-Codes. It is envisaged this change would be advanced as part of planned Omnibus Amendment 6 ('Miscellaneous Development Control Changes').

CONCLUSION

It is recommended that the draft amended *Local Planning Policy - Holiday Homes Provisions* be adopted for formal advertising pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 (Deemed Provisions), cl 4(1).

OPTIONS

- Decline to support the revised Holiday Homes Provisions Policy as a basis for community consultation.
- Support the revised Holiday Homes Provisions Policy as a basis for community consultation, subject to modification.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The notice of the policy and the commencement of consultation will occur within 4 weeks.

COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

C1709/212

Moved Councillor J McCallum, seconded Councillor P Carter

That the Council –

A. In accordance with *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 (Deemed Provisions) -

1. Pursuant to cl.5(1), proposes amending City of Busselton Local Planning Policy *Holiday Homes Provisions*, by adopting replacement provisions provided as Attachment B to the agenda report as a draft for consultation.
2. Pursuant to cl.4(1)(a), advertises the above proposed amended City of Busselton Local Planning Policy *Holiday Homes Provisions*, by notice in a newspaper circulating in the Scheme area and inviting submissions to be made within a period of 21 days from the date of publication of the notice.

B. Foreshadows a future amendment to the Local Planning Scheme that would narrow the circumstances in which the Scheme would require compulsory consultation on applications for approval of holiday homes.

**CARRIED 9/0
EN BLOC**

Attachment B**7C. HOLIDAY HOMES PROVISIONS****1.0 BACKGROUND**

The City of Busselton is a popular destination for tourists and holiday makers and has a large number of Holiday Homes, which are essentially residential houses and units which are utilised to accommodate these visitors. Holiday Home rentals are an important aspect of the tourism industry in the District, and have long been an important part of local and Western Australian lifestyle and culture.

Over time, however, there have been changes in the character of the communities in which Holiday Homes are located, as well as increased commercialisation of Holiday Homes and their use. Amongst other factors, that has led to the development by the City, cognisant of guidance provided at a State level, of a regulatory regime for Holiday Homes.

Holiday Homes which are utilised on a commercial basis (i.e. rented out to paying guests) require a development approval to be issued under the Local Planning Scheme and a registration to be issued under the *Holiday Homes Local Law 2012*. These policy provisions provide guidance to the City, as well as to applicants, landowners and the community, in relation to the City's exercising of discretion in making decisions on Holiday Home applications pursuant to the Local Planning Scheme.

2.0 OBJECTIVES

The objectives of these provisions are to –

1. Provide clear guidance regarding the assessment of applications for development approval for Holiday Homes;
2. Identify circumstances in which Holiday Homes will be supported, and circumstances in which holiday homes may be supported, given more detailed consideration; and
3. Balance the interests of residents, Holiday Home owners and the community as a whole.

3.0 APPLICATION

These policy provisions are adopted pursuant to *Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 (Deemed Provisions) clause 4* and apply to the whole of the City.

This policy only applies to Holiday Homes that are being made available for short stay rental purposes for commercial gain. Holiday Homes utilised only for personal use are excluded from this policy.

These provisions should be read in conjunction with the Local Planning Scheme and the *Holiday Homes Local Law 2012*.

4.0 INTERPRETATION

As per Schedule 1 of the Scheme the following interpretations are relevant:

“Holiday Home (Multiple/Grouped Dwelling)” means a grouped dwelling or multiple dwelling, which may also be used for short stay accommodation for hire or reward for no more than six people (but does not include a bed and breakfast, chalet development, guesthouse, rural tourist accommodation or tourist accommodation).

“Holiday Home (Single House)” means a single house (excluding ancillary accommodation), which may also be used for short stay accommodation for hire or reward for no more than 12 people (but does not include a bed and breakfast, chalet development, guesthouse, rural tourist accommodation or tourist accommodation).

Note: the terms ‘multiple dwelling’, ‘grouped dwelling’ and ‘single house’ are defined in the Residential Design Codes of Western Australia.

The following additional interpretations are relevant to this policy:

“Holiday Home” means both a Holiday Home (Multiple/Grouped Dwelling) and/or a Holiday Home (Single House).

“Deemed-to-comply” means a provision which, if satisfied, means that a Holiday Home is deemed compliant with respect to the matters subject of that provision. The local government shall not refuse to grant approval to an application where the application satisfies all of the relevant deemed-to-comply provisions.

“Performance criteria” means provisions to be used in the preparation, submission and assessment of development proposals for the purpose of determining their acceptability, where they do not meet the relevant deemed-to-comply provisions.

Note: applications that do not meet all of the ‘deemed-to-comply’ provisions would be assessed against the relevant ‘performance criteria’ (i.e. they would only be assessed against the latter in relation to those aspects to which they do not meet the former). So if the ‘car parking’ deemed-to-comply provisions are met, but the ‘dwelling design’ ones are not, dwelling design related issues would require assessment against the dwelling design performance criteria, but the car parking related issues would not require assessment against the car parking related performance criteria. Similarly, if the potable water elements of the ‘utility servicing’ deemed-to-comply provisions are met, but the refuse collection ones are not, it is only the refuse collection issues that need to be considered against the directly related performance criteria.

5.0 POLICY STATEMENT

Note that the headings below do form part of the policy statement.

5.1 Location of Holiday Homes

A Holiday Home satisfies the **deemed-to-comply** provisions if:

- C1.1 The Holiday Home is located within an existing, lawful dwelling (other than a dwelling approved as a second dwelling or rural worker’s dwelling pursuant to clause 4.5 (f) or (g) of the Local Planning Scheme, or equivalent clause in previous schemes) in the Agriculture or Viticulture and Tourism Zone; or
- C1.2 In all other Zones, the Holiday Home has direct frontage to a public road and/or public open space and has a minimum of 350m² exclusively for the use of the dwelling; or

- C1.3 For a Holiday Home (Grouped/Multiple Dwelling), written support has been received by the local government from the majority of owners of properties in the complex or development within which the Holiday Home is to be located (excluding the owner of the site subject of the application, unless the applicant owns all of the properties in the complex or development).

A Holiday Home satisfies the **performance criteria** provisions if:

- P1.1 The City is satisfied that approval of the Holiday Home is not likely to have a significant impact on the amenity of adjoining and nearby residents and would not constitute the conversion of a second dwelling or rural worker's dwelling to a Holiday Home.

5.2 Utility Servicing

A Holiday Home satisfies the **deemed-to-comply** provisions if:

- C2.1 The Holiday Home is connected to reticulated water, or provided with a 135,000 litre rainwater tank for the exclusive use of the Holiday Home; and
- C2.2 The Holiday Home is located with the City's kerbside refuse collection area; and
- C2.3 The Holiday Home is connected to reticulated sewerage, or there is an approved on-site effluent disposal system with adequate capacity for the proposed number of occupants.

Note: in areas not serviced by reticulated sewerage, it should not be assumed that an existing on-site effluent disposal system approved for a single house will have sufficient capacity for the proposed number of occupants without the need for upgrading. Advice should be sought from the City's Environmental Health staff prior to lodging an application for development approval.

A Holiday Home satisfies the **performance criteria** provisions if:

- P2.1 The City is satisfied that the Holiday Home will have an adequate supply of potable water; and
- P2.2 The City is satisfied that the Holiday Home will be provided with an adequate refuse collection service; and
- P2.3 The City is satisfied that the Holiday Homes will be provided with an adequate on-site effluent disposal system (and provision of such would be a condition of any approval, to be met prior to the commencement of the use).

5.3 Car Parking

A Holiday Home satisfies the **deemed-to-comply** provisions if:

- C3.1 The Holiday Home will have constructed on-site car parking bays, consistent with the size and manoeuvrability criteria set out in the *Residential Design Codes of Western Australia*, but with no more than any of two bays arranged one behind the other (i.e. tandem bays are permitted, with two bays one behind another, but not with a third bay behind another two), in accordance with the following rates:

Maximum number of occupants	Minimum number of car parking bays required
1-3	1
4-6	2
7-8	3
9-10	4
11-12	5

A Holiday Home satisfies **performance criteria** provisions if:

- P3.1 The City is satisfied that the Holiday Home has a minimum of two constructed on-site car parking bays and, where additional car parking bays would be required to comply with C3.1 above, at least the equivalent number of cars could park on the site without the need for cars to park on the verge, in adjacent or nearby public car parking, or in visitor car parking bays within a unit complex or similar; or
- P3.2 Where a Holiday Home is located in the 'Business' Zone, the City is satisfied that the Holiday Home will not have a noticeable effect on the availability of public car parking within the locality.

5.4 Dwelling Design

A Holiday Homes satisfies the **deemed-to-comply** requirements if:

- C4.1 The Holiday Home is an existing, lawful dwelling; or
- C4.2 If the Holiday Home is not an existing, lawful dwelling, the Holiday Home will meet all of the relevant design standards and requirements that would apply to a new dwelling on the land, including the requirements of the Local Planning Scheme (including the *Residential Design Codes of Western Australia*), all relevant Local Planning Policies, and all relevant Structure Plan, Activity Centre Plan and Local Development Plan provisions; and
- C4.3 The maximum number of occupants within a Holiday Home complies with the following standards:
- (a) There is 5.5 square metres per occupant in each bedroom utilising beds; and
 - (b) There is 3.5 square metres per occupant in each bedroom utilising bunks; and
 - (c) There is sufficient bedroom space to accommodate the maximum number of occupants consistent with (a) and (b) above; and
- C4.4 Bedrooms in a Holiday Home are provided in accordance with the following rates:

Maximum number of occupants	Minimum number of bedrooms required
1-2	1, or studio
3-4	2
5-8	3
9-12	4

- C4.5 Bathrooms and toilets in a Holiday Home are provided in accordance with the following rates:

Maximum number of occupants	Minimum number of bathrooms/toilets required
1-6	1 bathroom and 1 toilet
7-12	1 or 2 bathrooms and 2 toilets

A Holiday Homes satisfies the **performance criteria** if C4.1 or C4.2 is met, and C4.3 and C4.5 are met; and:

- P4.2 The City is satisfied that the dwelling design is appropriate to accommodate the proposed maximum number of occupants. In general, if C4.4 is not met, this would only be the case if there are a smaller number of relatively large bedrooms.

Note: the Local Planning Scheme establishes that the maximum number of occupants in a Holiday Home (Single House), regardless of the number or size of bedrooms, is 12, and the maximum number of occupants in a Holiday Home (Grouped/Multiple Dwelling) is six. The City has no discretion to approve Holiday Homes with maximum occupant numbers higher than those limits.

5.5 Bush Fire Management

A Holiday Home satisfies the **deemed-to-comply** provisions if:

- C5.1 The Holiday Home is not on land identified as being in a bushfire prone area by an order made under section 18P of the *Fire and Emergency Services Act 1998*; and/or
- C5.2 The Holiday Home is on a lot with an area of less than 1,100m²; or
- C5.3 The Holiday Home is on land identified as being in a bushfire prone area by an order made under section 18P of the *Fire and Emergency Services Act 1998* and is on a lot with an area of 1,100m² or greater –
- C5.3.1 An Evacuation Plan consistent with the *Guidelines for Planning in Bushfire Prone Areas* has been submitted; and
- C5.3.2 The Holiday Home is an existing, lawful dwelling; or
- C5.3.3 If the Holiday Home is not an existing, lawful dwelling, the Holiday Home will meet all of the relevant design standards and requirements that would apply to a new dwelling on the land pursuant to Part 10A (Bushfire risk management) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Note: A dwelling on a lot of less than 1,100m² in area is exempt from the requirements of Part 10A (Bushfire risk management) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

There are no **performance criteria** provisions in relation to bush fire management. The deemed-to-comply provisions must be met. Note that the deemed-to-comply provisions are, other than the requirement for an Evacuation Plan, the same as what would be required to either continue using an existing, lawful dwelling, or what would be required to develop a new, lawful dwelling.

10.2 Policy and Legislation Committee - 17/08/2017 - COUNCIL POLICY 243 - REHOMING OF IMPOUNDED DOGS AND CATS

SUBJECT INDEX:	Review of Council Policy
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Environmental Services
ACTIVITY UNIT:	Ranger and Emergency Services
REPORTING OFFICER:	Ranger & Emergency Services Coordinator - Ian McDowell
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Draft Revised Policy 243 - Rehoming of Impounded Cats and Dogs⇒ Attachment B Current Council Policy 243 - Rehousing of Impounded Animals⇒

This item was considered by the Policy and Legislation Committee at its meeting on 17 August 2017, the recommendations from which have been included in this report.

PRÉCIS

A review of Council Policy 243 has been undertaken. The revised draft policy has been amended to make reference to the Memoranda of Understanding that have or will be entered into by the City with approved animal rescue and welfare groups such as Saving Animals from Euthanasia (SAFE) or K9 Animal Rescue Group. The revised policy also seeks to establish the waiving of registration fees, for a maximum period of 12 months, for owners of rescue dogs.

BACKGROUND

The policy was originally adopted in 2007, and was last reviewed in December 2010 at which time the policy was re-adopted in the then standard corporate format.

STATUTORY ENVIRONMENT

Pursuant to section 2.7(2)(b) of the *Local Government Act 1995*, a role of Council is to determine the local government's policies.

Pursuant to sections 29(10) and 29(11) of the *Dog Act 1976*, where a dog has been impounded by the City and the dog is not claimed, or the registered owner of the dog declines to resume possession of the dog within seven days of the date of impoundment, the City may dispose or sell the dog as if it were its own.

Pursuant to section 34 of the *Cat Act 2011*, where a cat has been impounded by the City and the owner has not been identified, or the owner of the cat has not claimed it within seven working days of the date of impoundment, the City may transfer or dispose of the cat as if it were its own.

RELEVANT PLANS AND POLICIES

This report proposed adoption of the revised draft Council Policy 243 as attached to this report (Attachment A). The superseded policy is at Attachment B.

FINANCIAL IMPLICATIONS

The revised policy proposes waiving registration fees, for a maximum of 12 months, for dogs and cats under the immediate care of foster carers representing the rescue organisation. This would be conditional on the animal being both microchipped and sterilised.

Based on approximately 50 animals being rehomed through these organisations on an annual basis the cost to the City would be approximately \$1,000 per year.

Long-term Financial Plan Implications

No significant implications.

STRATEGIC COMMUNITY OBJECTIVES

The draft policy aligns with and supports Council's Key Goal Area 6 – Leadership: visionary, collaborative, accountable; and more specifically Community Objective 6.1 – governance systems, processes and practices are responsible, ethical and transparent.

The draft revised policy provides transparency in how the City rehomes dogs and cats that are otherwise unclaimed or unowned.

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. There are no significant risks identified.

In fact the policy itself mitigates any risks to the City associated with the rehoming of animals as the rescue groups temperament test the animals to determine their suitability for rehoming.

CONSULTATION

The review of this policy is a routine administrative process that seeks only to acknowledge recognised animal rescue and welfare groups as the City's conduit for rehoming unclaimed or unowned dogs and cats. As such, public consultation is not considered necessary.

OFFICER COMMENT

The City has established a memorandum of understanding (MOU) with Saving Animals from Euthanasia (SAFE) for the rehoming of dogs and cats. Another MOU has been drafted to enter into a similar arrangement with K9 Animal Rescue (this will be for the rehoming of dogs only).

The intent of the draft revised policy is to acknowledge these MOUs are in place and that the City will only rehome unclaimed or unowned dogs and cats through these or other recognised groups. Through these arrangements, the rescue and/or welfare organisation will assess impounded animals to ensure they are suitable for rehoming. They also ensure the dogs and cats are sterilised, microchipped and vaccinated prior to rehoming.

By providing up to 12 months free registration for these animals, whilst they are in the care of a recognised foster carer of the organisation (within our district), a formal record of the animal is created in our registration data base. This will help to ensure the ongoing registration of the animal through our normal administrative processes of sending out renewal notices and then if necessary, following up with the last known owner of the animal if the registration lapses.

CONCLUSION

An internal review of Council Policy 243 – Rehousing of Rescued Animals has been completed. It has been renamed “Rehoming of Impounded Dogs and Cats”, and acknowledges the establishment and use of formal Memorandums of Understanding with recognised animal rescue and welfare groups to facilitate the rehoming of suitable dogs and cats.

OPTIONS

Council may amend or not endorse the revised draft policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The revised draft policy will be presented to Council on 13 September 2017, and will take effect immediately following its adoption by Council.

COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**C1709/213**

Moved Councillor J McCallum, seconded Councillor P Carter

That the Council endorse revised Council Policy 243 – Rehoming of Impounded Dogs and Cats as shown in attachment A.

CARRIED 9/0**EN BLOC**

Attachment A

243	Rehoming of Impounded Dogs and Cats	V3 Current
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PURPOSE

The purpose of this policy is to establish a framework for the rehoming of impounded dogs and cats in accordance with the relevant legislation and established Memorandums of Understanding.

SCOPE

Where a dog or cat has been impounded into the City's Animal Care Facility and has not been claimed within the period prescribed by the applicable Act (*Dog Act 1976* or *Cat Act 2011*) the City may dispose of the animal in accordance with the provisions of the appropriate Act.

POLICY CONTENT

The City supports the rehoming of suitable impounded and unclaimed dogs and cats and will facilitate this through the use established Memorandums of Understanding with approved animal rescue and welfare organisations. Through these arrangements the rescue and/or welfare organisation will ensure that dogs and cats are sterilised, microchipped and vaccinated prior to rehoming.

In doing so, the Council acknowledges that these organisations are non-for-profit and volunteer based, and as such will consider waiving registration fees for a maximum of 12 months for dogs and cats under the immediate care of foster carers representing the organisation. This would be conditional on the animal being both microchipped and sterilised.

Policy Background

Policy Reference No – 243

Owner Unit – Ranger and Emergency Services

Originator – Ranger and Emergency Services Coordinator

Policy Approved by – Council

Date Approved – 13 September 2017

Review Frequency – as required

Related Documents – *Dog Act 1976*
Cat Act 2011

History

Council Resolution	Date	Information
C1709/211	14 September 2017	Policy updated to make reference to established Memorandums of Understanding, and the implementation of the <i>Cat Act 2011</i> Policy acknowledges registration fees may be waived for a maximum period of 12 months Version 3
C1012/415	8 December 2010	Policy re-adopted in the new standard format Version 2
C0708/195	22 August 2007	Date of implementation Version 1

10.4 Policy and Legislation Committee - 17/08/2017 - REVIEW OF POLICY 236 RATING

SUBJECT INDEX:	Policy Budget and Administration
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Financial Services
ACTIVITY UNIT:	Rates
REPORTING OFFICER:	Rates Coordinator - David Whitfield
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Existing Policy 236 Rating ⇒

This item was considered by the Policy and Legislation Committee at its meeting on 17 August 2017, the recommendations from which have been included in this report.

PRÉCIS

As part of the ongoing policy review process a review of the existing Rating Policy has been conducted. The current policy was originally adopted in 2006 and reviewed in September 2011 with no changes being made. Since that time the Department of Local Government and Communities (DLGC) has published several policy and guideline documents that override/duplicate many of the components of Council's 2011 Rating Policy. This item seeks to cancel the current policy to avoid unnecessary duplication as more suitable guidelines exist reflecting the rating functions of Local Government.

BACKGROUND

The current policy was written at a time where there was no specific guidance from the DLGC on rating matters generally, however, from 2011 onwards the following policies and guidelines have been developed and issued by the DLGC for local governments to follow with respect to their rating processes:

- DLGC Policy – Valuation of Land
- DLGC Policy – Differential Rates
- DLGC Policy – Minimum Payments
- DLGC Policy – Rateable Land
- DLGC Policy – Giving Notice (Advertising of Rates)
- DLGC Guidelines: Possession of Land for Recovery of Rates and Service Charges
- DLGC Guidelines – Changing Methods of Valuation of Land

A number of these policies have been reviewed as recently as November 2016.

These guidelines exist to provide commentary in relation to the provisions of the Local Government Act at Division 6 – Rates and Service Charges.

In light of the introduction of these policies/guidelines it is considered that the existing rating policy is no longer required and as such should be cancelled and deleted from the City's Policy Manual.

STATUTORY ENVIRONMENT

In accordance with Section 2.7(2)(b) of the Local Government Act 1995 it is the role of the Council to determine the local government's policies. The Council does this on the recommendation of a Committee it has established in accordance with Section 5.8 of that Act.

RELEVANT PLANS AND POLICIES

This report proposes to cancel the existing Rating Policy as the policy currently unnecessarily duplicates Statewide guidelines and policies provided by the Department of Local Government and Communities.

FINANCIAL IMPLICATIONS

There are no financial implications arising from the cancellation of this policy.

Long-term Financial Plan Implications

There are no long-term financial implications arising from the cancellation of this policy.

STRATEGIC COMMUNITY OBJECTIVES

This policy aligns with and supports the **Council's Key Goal Area 6** – 'Leadership' and more specifically **Community Objective 6.1** – 'Governance systems, process and practices are responsible, ethical and transparent'.

RISK ASSESSMENT

There is no associated risk with the cancellation of the Rating policy.

CONSULTATION

Not applicable.

OFFICER COMMENT

The current policy covers rating methods and practices that, upon review, have generally been in place for over 20 years if not longer and are based on the rating provisions of the 1995 Local Government Act. As such the current rating practices are both stable and well tested over that time. The current policy was introduced in 2006 and re-adopted in 2011 with no recommended change.

It is proposed to cancel the Policy as it is now considered redundant as the subject matter is now covered by the new Department of Local Government and Communities policy documents.

CONCLUSION

The Department of Local Government and Communities now provides specific policy advice and guidelines for Local Governments to follow and it is considered appropriate that these documents be followed. Further, in view of this, it is considered that there is no need for a Rating Policy and as a consequence it should be cancelled.

OPTIONS

The Council could:

1. Choose not to cancel the existing Rating Policy and allow the policy to remain in place, or
2. Choose to seek further review and/or amendment to the existing Rating Policy for presentation to Council at a later date.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The cancellation of the existing Rating Policy would be effective immediately upon the adoption of the Officer's recommendation.

COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**C1709/214**

Moved Councillor J McCallum, seconded Councillor P Carter

That the Council cancels Policy 236 Rating and remove it from the City's Policy Manual.

CARRIED 9/0**EN BLOC**

10.5 Policy and Legislation Committee - 17/08/2017 - POLICY - AASB124 RELATED PARTY DISCLOSURES

SUBJECT INDEX:	Policies, Plans and Procedure
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	Finance and Corporate Services
REPORTING OFFICER:	Manager Financial Services - Kim Dolzadelli
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Draft AASB124 Related Party Disclosure Policy⇒

This item was considered by the Policy and Legislation Committee at its meeting on 17 August 2017, the recommendations from which have been included in this report.

PRÉCIS

The purpose of this report is for Council to consider a new policy regarding Related Party Disclosures.

A copy of the proposed policy is attached and outlines the City's disclosure requirements in regard to the existence of relationships regardless of whether or not any transaction has occurred, in accordance with Australian Accounting Standards Board Accounting Standard AASB124 (Related Party Disclosures).

BACKGROUND

The scope of Australian Accounting Standards Board Accounting Standard AASB124 (Related Party Disclosures) was amended in July 2015 to encompass not for profit entities including local governments. AASB124 now imposes a number of obligations upon elected members and senior City staff in relation to disclosure of their financial dealings with related parties. These obligations come into effect for the 2016-17 financial year for Local Government and the information is to be disclosed as a note within future Annual Financial Statements.

The primary objective of AASB124 is to ensure that an entity's financial statements contain disclosures necessary to draw attention to the possibility that its financial position and potential profit or loss (surplus or deficit) may have been affected by the existence of related parties and their transactions

STATUTORY ENVIRONMENT

AASB124 imposes a number of obligations upon Elected Members and senior City staff in relation to disclosure of their financial dealings with related parties. These obligations come into effect for the 2016-17 financial year with information to be disclosed as a note within the 2016-17 (and subsequent) Annual Financial Statements.

RELEVANT PLANS AND POLICIES

Council through the Policy and Legislation committee is being requested to adopt a new Policy with respect to "AASB124 Related Party Disclosures".

FINANCIAL IMPLICATIONS

There are only minor administrative costs with respect to compliance and reporting related to the requirements of AASB124 Related Party Disclosures requirements; these costs will see no impact on Council's financial position.

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

The draft policy aligns with and supports Council's Key Goal Area 6.1 "Governance Systems, processes and practices are responsible ethical and transparent".

RISK ASSESSMENT

There is no known risk in Council adopting the attached Policy.

CONSULTATION

Council's Auditor has been consulted with respect to the impact and requirements of AASB124 Related Party Disclosures.

OFFICER COMMENT

The objective of AASB124 is to ensure that an entity's financial statements contain disclosures necessary to draw attention to the possibility that its financial position and any profit or loss may have been affected by the existence of related parties and transactions with those parties.

This means that readers of the City of Busselton Annual Financial Statements will become aware of any relationships that may affect the financial position and profit or loss of the City. The Annual Financial Statements provide information at a summary level of the financial remuneration of related parties, key management personnel and the financial value of transactions with related parties such as services or goods purchased from businesses operated by related parties.

Individual financial details of related parties are not disclosed during the reporting process, and the transactions are presented as aggregated information in the financial reports.

The information collated and aggregated from the Annual Financial Statements is proposed to be obtained a Related Party Declaration form, which forms an appendix to the draft policy.

The Policy proposes that Key Management Personnel be required to complete this form twice each financial year in December and June, and upon resignation.

Disclosure requirements apply to the existence of relationships regardless of whether or not any transaction has occurred. Each financial year, the City of Busselton must make an informed judgement as to what is considered to be a related party, and what transactions should be considered when determining if disclosure is required.

AASB 124 advises that if a local government has had related party transactions during a financial year, it shall disclose the nature of the related party relationship as well as information about those transactions, including commitments, that are necessary for users to understand the potential effect of the relationship on the financial statements.

To progress the implementation of AASB 124 for 2016-17 as required, Council is required to consider and adopt the following, which are contained within the policy:

1. Positions to be included as Key Management Personnel (KMP) in the assessment of related parties; and
2. Transactions that are considered to be Ordinary Citizen Transactions (OCT) that will not be included as related party transactions.

Key Management Personnel

AASB 124 specifically includes Elected Members as part of the definition of Key Management Personnel (KMP). It is expected that in local government, KMP will include Elected Members, the Chief Executive Officer and the next level of management, which in the case of the City is Directors.

Ordinary Citizen Transactions

In order to identify which transactions are related party transactions and subject to disclosure it is necessary to consider and exclude Ordinary Citizen Transactions (OCT) from disclosure requirements.

OCTs are those transactions provided on terms and conditions no different to those applying to the general public and are unlikely to influence the decisions that users of the City's financial statements make. These Ordinary Citizen Transactions include the following:

- Using the council's facilities after paying the normal fee;
- Fines on normal terms and conditions; and
- Paying rates and council fees and charges.

There is no obligation to disclose Ordinary Citizen Transactions. Transactions between the City and Related Parties that would normally be considered Ordinary Citizen Transactions but where the terms and conditions differ from normal practice however must be disclosed (if material).

The exclusion of the above effectively limits the related party transactions that are to be declared to typically be:

- purchases of sales or goods (finished or unfinished);
- purchases or sales of property or other assets;
- rendering or receiving services;
- leases;
- transfers under finance arrangements (including loans and equity contributions in cash or kind);
- provisions of guarantees or collateral;
- commitments to do something if a particular event occurs or does not occur in the future, including execution of contracts (recognised or unrecognised); and
- settlement of liabilities on behalf of Council or by Council on behalf of the related party.

It should be noted that the value of the transactions must be material, for the purpose of the attached Draft Policy, it is considered appropriate to set a dollar value of \$5,000 for any individual transaction or \$25,000 for collective transactions to determine materiality.

These transactions do not include those where members of the Key Management Personnel have a connection as a member of a community group that has a relationship with the City.

CONCLUSION

Officers believe that adoption of the attached Policy will provided guidance to all effected Key Management Personnel (KMP) with respect to AASB 124 Related Party Disclosures. Whilst legislation does not require a Policy in relation AASB124, the Department of Local Government and Communities suggests that councils adopt a policy.

OPTIONS

Council could choose to:

1. Adopt the attached Policy with or without amendment, or
2. Not adopt the attached Policy – but it is desirable to have a policy on this subject.
- 3.

In any event, disclosure is required to be made in the Financial Statements.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

If adopted, the Draft Policy will be put in place immediately.

COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**C1709/215**

Moved Councillor J McCallum, seconded Councillor P Carter

That Council adopts the AASB124 Related Party Disclosure draft policy shown at Attachment A.

CARRIED 9/0**EN BLOC**

Attachment A

NEW	AASB124 Related Party Disclosures	V1
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1. PURPOSE

To define the parameters for Related Party Relationships and the level of disclosure and reporting required for the City to achieve compliance with the Australian Accounting Standard AASB 124 – Related Party Disclosures.

2. SCOPE

Under the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*, all local governments in Western Australia must produce annual financial statements that comply with Australian Accounting Standards.

The Australian Accounting Standards Board has determined that from 1 July 2016, AASB 124 (Related Party Disclosures) will apply to government entities, including local governments. The City is now required to disclose Related Party Relationships and Key Management Personnel compensation in its Annual Financial Statements.

This Policy provides guidance on:

- the identification of the City's related parties;
- management of related party transactions;
- recording such transactions; and
- disclosure of the transactions in the City of Busselton annual financial statements in accordance with AASB 124;

And addresses the four (4) different types of related party that must be considered by the City:

1. Entities related to the City;
2. Key Management Personnel;
3. Close family members of Key Management Personnel; and
4. Entities that are controlled or jointly controlled by either 2 or 3 above.

3. POLICY CONTENT**DEFINITIONS:**

Australian Accounting Standards Board, Related Party Disclosures Standard 124

Close family members of Key Management Personnel (KMP)

Those family members who may be expected to influence, or be influenced by, that KMP in their dealings with the City of Busselton and include:

- the KMP's children, and spouse or domestic partner;
- children of that KMP's spouse or domestic partner; and
- dependants of the KMP or the KMP's spouse or domestic partner.

Entity

Can include a body corporate, a partnership or a trust, incorporated, or unincorporated group or body.

Entity Related to a KMP

Related Entities to Key Management Personnel are entities that are:

- *controlled or jointly controlled by a KMP;
- apart from Council, where a KMP has significant influence over, or is a member of the key management personnel of the entity or parent of the entity; or
- controlled or jointly controlled by a close family member of a KMP of the City.

*A person or entity is deemed to have *control* if they have:

- power over the entity;
- exposure, or rights, to variable returns from involvement with the entity; or
- the ability to use power over the entity to affect the amount of returns.

To jointly control, a person or entity must have contractual rights or agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

Entity Related to the City

This includes any entity that is either controlled, jointly controlled or over which the City has a significant influence. A person or entity is a Related Party of the City if any of the following apply:

- they are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others);
- they are an associate or belong to a joint venture of which the City is part of;
- they and the City are joint ventures of the same third party;
- they are part of a joint venture of a third party and the City is an associate of the third party;
- they are a post-employment benefit plan for the benefit of employees of either the City or an entity related to the City;
- they are controlled or jointly controlled by close family members of the family of a KMP;
- they are identified as a close or possibly close member of the family of a person with significant influence over Council or a close or possibly close member of the family of a person who is a KMP of the City; or
- they, or any member of a group of which they are a part, provide KMP services to the City.

Key Management Personnel (KMP)

AASB 124 defines KMP as *“those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity”*.

Key Management Personnel for the City of Busselton are:

- Elected Members; and
 - Persons employed under s5.36 of the *Local Government Act 1995* in the capacity of Chief Executive Officer or Director.
-

Material (materiality)

Means the assessment of whether a transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis of an entity's financial statements. For the purpose of this Policy, it is considered appropriate to set a dollar value of \$5,000 for any individual transaction or \$25,000 for collective transactions to determine materiality.

Ordinary Citizen Transaction

A transaction that an ordinary member of the community would undertake in the ordinary course of business with the City of Busselton.

Related Party

A person or entity that is related to the entity preparing its financial statements.

Related Party Transaction

A transfer of resources, services or obligations between the City of Busselton and a related party, regardless of whether a price is charged.

Significant (significance)

Likely to influence the decisions that users of the City's financial statements make having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the City and related party outside a public service provider/ taxpayer relationship.

POLICY DETAILS:**1. Key Management Personnel (KMP)**

All Key Management Personnel (KMP) are responsible for assessing and disclosing their own, their close family members' and their related entities' relationship with the City. All related parties must be included in the self-assessment. A disclosure form is provided as an Attachment to this Policy.

2. Related Party Transactions**2.1 Ordinary Citizen Transaction**

For the purpose of this Policy, an Ordinary Citizen Transaction is one that occurs between the City and KMP and/or related parties which satisfy the following criteria. The transaction must:

- occur during the normal course of the City delivering its public service goals;
- be under the same terms that would be available to a member of the community; and
- belong to a class of transaction that an ordinary member of the community would normally transact with the City.

This includes for example the following:

- Using the council's facilities after paying the normal fee;
- Fines on normal terms and conditions; and
- Paying rates and council fees and charges.

There is no obligation to disclose Ordinary Citizen Transactions.

Transactions between the City and Related Parties that would normally be considered Ordinary Citizen Transactions but where the terms and conditions differ from normal practice however must be disclosed.

2.2 Non-ordinary Citizen Transactions

All related party transactions that do not satisfy the definition of an Ordinary Citizen Transaction (as per 2.1) must be disclosed in accordance with AASB 124.

The following are examples of transactions that must be disclosed if they are with a related party and are not an Ordinary Citizen Transaction:

- purchases of sales or goods (finished or unfinished);
- purchases or sales of property or other assets;
- rendering or receiving services;
- leases;
- transfers of research and development;
- transfers under licence agreements;
- transfers under finance arrangements (including loans and equity contributions in cash or kind);
- provisions of guarantees or collateral;
- commitments to do something if a particular event occurs or does not occur in the future, including execution of contracts (recognised or unrecognised); and
- settlement of liabilities on behalf of the City or by the City on behalf of the related party.

3. Disclosure of Information

3.1 City disclosure

AASB 124 provides that the City must disclose the following financial information in its financial statements for each financial year period:

- the nature of any related party relationships;
- the amount of the transactions;
- the amount of outstanding balances, including commitments, including:
 - (i) their terms and conditions, whether they are secured, and the nature of the consideration to be provided in settlement; and
 - (ii) details of any guarantees given or received;
- provisions for doubtful debts related to the amount of outstanding balances; and
- the expense recognised during the period in respect of bad or doubtful debts due from related parties.

The following matters must be considered in determining the materiality and significance of any related party transactions:

- significance of transaction in terms of size;
- whether the transaction was carried out on non-market terms;
- whether the transaction is outside normal day-to-day business operations, such as the purchase and sale of assets;
- whether the transaction is disclosed to regulatory or supervisory authorities;
- whether the transaction has been reported to senior management; and
- whether the transaction was subject to Council approval.

Regard must also be given for transactions that are collectively, but not individually significant.

All transactions involving related parties will be captured and reviewed to determine materiality or otherwise of such transactions, if the transactions are Ordinary Citizen Transactions (OCTs), and to determine the significance of each of the transactions.

3.2 Key Management Personnel disclosure

In accordance with this Policy, KMP must provide a Related Party Disclosure in the form set out in the Attachment twice yearly, no later than the following dates each financial year:

- 30 December each year; and
- 30 June each year.

4. Review of Related Parties

A review of KMP's and their related parties will be completed every 6 months. Particular events, such as a change of Elected Members, Chief Executive Officer or Directors or a corporate restructure will also trigger a review of the City's related parties immediately following such an event.

The Chief Executive Officer shall implement a suitable system to identify related parties. The primary identification method of close family members and associated entities of Key Management Personnel shall be by (but not limited to) KMP self-assessment. KMP have a responsibility to identify and report any changes to their related parties as they occur.

The Chief Executive Officer shall identify suitable methodology and procedures for identifying and reporting on related party transactions such that accurate data will be collated from 01 July 2017. Identification and reporting methods shall consider:

- transactions occurring via the City's accounting and electronic records management systems;
- other transactions not passing through the City's electronic accounting / management systems;
- the identification of the associated terms and conditions of the related party transactions;
- declarations in the Financial Interests Register; and
- information provided in Primary and Annual Returns.

If any elected member or employee believes a transaction may constitute a related party transaction they must notify the Chief Executive Officer who will, in consultation with the Director, Finance and Corporate Services, make a determination on the matter.

5. Privacy & Confidentiality

5.1 Access to information

The following persons are permitted to access, use and disclose the information provided in a related party disclosure or contained in a register of related party transactions for the purposes of 5.2.

- the Chief Executive Officer;
 - Director, Finance and Corporate Services ;
 - an Auditor of the City (including an Auditor from the WA Auditor General's Office); and
-

- other officers as determined by the Chief Executive Officer.

5.2 Permitted purposes

Persons specified in 5.1 may access, use and disclose information in a related party disclosure or contained in a register of related party transactions for the following purposes:

- assess and verify the disclosed related party transaction;
- reconcile identified related party transactions against those disclosed in the related party disclosure or contained in a register of related party transactions;
- comply with the disclosure requirements of AASB 124; or
- verify compliance with the disclosure requirements of AASB 124.

5.3 Confidentiality

The following information is classified as confidential and is not available for inspection by or disclosure to the public:

- Information (including personal information) provided by a KMP in a related party disclosure; and personal information contained in a register of related party transactions.

LEGISLATION AND OTHER REFERENCES:

- *Local Government Act 1995*
- *Australian Accounting Standards AASB 124 Related Party Disclosures*
- *AASB 10 Consolidated Financial Statement AASB 11 Joint Arrangements*
- *AASB 128 Investments in Associates and Joint Ventures*
- *City of Busselton Code of Conduct*

Attachment 1 – Related Party Declaration – Key Management Personnel

Policy Background

Policy Reference No. - NEW

Owner Unit – Financial Services

Originator – Director, Finance and Corporate Services

Policy approved by – Council

Date Approved –

Review Frequency –

Related Documents –

- *Local Government Act 1995*
- *Australian Accounting Standards AASB 124 Related Party Disclosures*
- *AASB 10 Consolidated Financial Statement AASB 11 Joint Arrangements*
- *AASB 128 Investments in Associates and Joint Ventures*
- *Department of Local Government and Communities AASB 124 Related Party Disclosures Implementation Guide*
- *City of Busselton Code of Conduct*
- *Attachment 1 – AASB124 Related Party Declaration*

History

Council Resolution	Date	Information
		Version 1

11. PLANNING AND DEVELOPMENT SERVICES REPORT

11.1 PROPOSED SCHEME AMENDMENT 27 TO LOCAL PLANNING SCHEME 21 AND DRAFT STRUCTURE PLAN FOR LOT 10 COMMONAGE ROAD, DUNSBOROUGH

SUBJECT INDEX:	Town Planning Schemes and Amendments
STRATEGIC OBJECTIVE:	Planning strategies that foster the development of healthy neighbourhoods that meet our needs as we grow.
BUSINESS UNIT:	Strategic Planning and Development Services
ACTIVITY UNIT:	Strategic Planning
REPORTING OFFICER:	Principal Strategic Planner - Louise Korovesi
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Location Plan⇒
	Attachment B District Open Space Concept Plan⇒
	Attachment C Existing Zoning⇒
	Attachment D Proposed Zoning⇒
	Attachment E Proposed Structure Plan Extract⇒
	Attachment F Endorsed Dunsborough Lakes Structure Plan⇒
	Attachment G Proposed Overall Structure Plan⇒
	Attachment H BAL Contour Map⇒

PRÉCIS

The Council is requested to consider initiating for public consultation Amendment 27 to Local Planning Scheme 21 (LPS21). The Amendment seeks to rezone Lot 10 Commonage Road, Dunsborough from 'Reserve for Public Purposes' to 'Special Purpose (Dunsborough Lakes Development Area)' and amend Schedule 3 – 'Special Provision Areas' to include the subject land within Special Provision Area No. 42. Modifications to the endorsed Dunsborough Lakes Structure Plan are also proposed that reflect land use changes sought through the Amendment.

The proposed would allow residential subdivision to occur in the southern part of the site.

The proposal will also help facilitate the subdivision and acquisition of a 7.56 hectare northern portion of Lot 10 by the City for the future development of district-level sporting and active recreation ovals and associated infrastructure.

Officers are recommending that the Council adopts the Amendment and Structure Plan for initiation and consultation, which will include referral to the EPA and relevant State Government agencies and advertising. The Amendment is viewed as a 'standard' amendment for the purposes of Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

BACKGROUND

The proposal comprises a Scheme amendment and modifications to the endorsed Dunsborough Lakes Structure Plan. The subject land is approximately 20 hectares in area and is located 2km south of the Dunsborough Town Centre, adjacent to Dunsborough Lakes Estate. A location plan and aerial photograph are provided at Attachment A.

Lot 10 is relatively flat and partially cleared. Remnant vegetation exists predominantly through the centre of the land, along Commonage Road and in the northeast corner at Dunsborough Lakes Drive. The remainder of the site is either 'parkland' or wholly cleared.

Lot 10 is reserved in LPS21 for 'Public Purposes (Sewer Treatment Plant)' and is owned in freehold title by the Water Corporation. The southern portion of the site previously accommodated the Dunsborough Waste Water Treatment Plant (DWTP). The DWTP was ultimately considered surplus to operational requirements and was decommissioned in 2001, with the levelling of treatment ponds and removal of storage tanks and sludge completed by 2004. Groundwater monitoring and soil testing was undertaken to assess contamination levels. The subject land was officially reclassified as a 'decontaminated site' by the Department of Environmental Regulation in September 2013 and, consequently, deemed suitable for alternative 'sensitive' land uses such as residential and recreation.

The potential opportunity to utilise the northern 'third' (7.56 hectares) of Lot 10 for the development of two sporting and active recreation ovals and associated infrastructure in a manner that would provide a contiguous, district-level facility with a third, 'shared use' oval (on land to be ceded to, and developed by, the City immediately south of the future Dunsborough Lakes primary school site and east of Lot 10 on abutting Lot 9058) has been previously identified by the City. An acquisition/sale price for the northern third of the subject land has been agreed between the City and the Water Corporation, with the Council formally deciding to proceed with the purchase and finalisation/execution of the Contract of Sale at its meeting of 22 February 2017. This contract was executed on 4 May 2017 (with settlement and transfer of tenure circa June 2018, conditional upon the Gazettal of this Amendment).

A conceptual plan showing how a contiguous three oval and active recreational area development could be constructed across the northern third of Lot 10 (and incorporating the 'shared use' oval proposed alongside the future Dunsborough Lakes primary school on the adjoining property) is provided at Attachment B. Development of the first oval, the 'shared use' oval, is identified to occur in the 2018/19 financial year in the City's current Long Term Financial Plan. It should be noted that at this stage the State has not allocated funds to development of the Dunsborough Lakes Primary School. Given funding cycles that means development of the school is unlikely to commence prior to 2022/23. Development of the shared use oval is not dependent upon a school funding commitment. If the oval is built before the school, as seems very likely, the Department of Education would need to negotiate access with the City, including retrospective capital contribution.

Each element of the proposal is outlined below under appropriate sub-headings.

Scheme Amendment

The Scheme Amendment proposes to –

1. Rezone Lot 10 Commonage Road, Dunsborough from 'Reserve for Public Purposes' to 'Special Purposes (Dunsborough Lakes Development Area)'.
2. Amend Schedule 3 – 'Special Provision Areas' to include reference to Lot 10 Commonage Road, Dunsborough in Special Provision Area 42.
3. Amend the boundary of Special Provision Area 42 to include the whole of the subject land.

Existing and proposed zoning maps are provided at Attachments C and D respectively.

Proposed Modified Dunsborough Lakes Structure Plan

It is proposed to modify the endorsed Dunsborough Lakes Structure Plan to include the whole of Lot 10 Commonage Road. The key elements of the proposed structure plan as it relates to the subject land are summarised below (Attachment E) –

- Approximately 12 hectares of public open space for recreation and conservation.

- Approximately 7 hectares of residential land that will yield 102 residential lots ranging in size from 375m² to 737m². The majority of the residential cell is proposed at a density of R20, with R30 towards the western boundary of the subject land.
- A road network that provides for connectivity to adjacent land within the Dunsborough Lakes estate and a single centralised access point to Commonage Road.
- A 20m landscape buffer to Commonage Road.

The endorsed Dunsborough Lakes Structure Plan is provided at Attachment F and the proposed modified overall structure plan is provided at Attachment G.

The proposal is supported by the following technical assessments and key findings of each are discussed below under appropriate sub-headings.

- i. Flora, Vegetation and Fauna Assessment
- ii. Bushfire Management Plan
- iii. Local Water Management Strategy

Flora, Vegetation and Fauna Assessment

A Flora, Vegetation and Fauna Assessment undertaken in early spring 2012 identified the ecological values, opportunities and constraints across the subject land. The key findings of the assessment are summarised as follows –

Flora & Vegetation

- 70 flora species from 27 families were recorded on the site, including 32 introduced species.
- No threatened (declared rare) or priority listed flora species were recorded during the survey.
- Six vegetation types were identified broadly representing the Abba vegetation complex of which less than 2% of the pre-European extent remains. Where there is less than 10% of the pre-European extent of a complex remaining, remnants of the vegetation complex are considered to be significant and a priority for conservation. Wetland areas occur in the northern area of the subject land and have been modified with constructed drains and sumps.
- Jarrah/Marri/WA Peppermint occur across drier areas of the site, with Melaleuca species present in wetland areas. The understorey is dominated by introduced species.
- The condition of the vegetation over the majority of the subject land was assessed as being degraded to completely degraded, with some areas either in good condition or cleared.

Fauna

- Eucalyptus (Jarrah/Marri) and WA Peppermint woodland, Melaleuca woodland, artificial ponds and paddock comprise the four fauna habitat types. The majority of fauna habitat was assessed as disturbed or highly degraded, other than the narrow corridor of Eucalyptus and WA Peppermint Tree woodland along Commonage Road which was assessed as being in good condition.
- 40 fauna species were recorded and of those three species are listed as conservation significant (Vulnerable, Endangered or Threatened), being: Baudin's Black Cockatoo; Carnaby's Cockatoo; and Western Ringtail Possum.
- Areas of Black Cockatoo breeding and foraging habitat and Western Ringtail Possum habitat are the primary habitat features of significance within the subject land. These areas include the central vegetation corridor (that links with vegetation on adjoining land), along Commonage Road and a small pocket in the north eastern corner of the subject land.

Key recommendations of the assessment are -

- Consider the rehabilitation of appropriate parts of the site for conservation.
- Retain and manage the vegetation which is in good condition.
- To minimise impacts on fauna, retain and improve remnant vegetation patches that are in good condition, including corridors, such as through the centre of the site and along Commonage Road.
- Retain WA Peppermint trees with a diameter of >100mm and large mature Eucalypt trees, especially those surrounded by remnant vegetation.

An assessment of the environmental significance of vegetation within the proposed future residential portion of the subject land and the requirement for referral to the Department of Environment and Energy has also been provided in support of the Amendment.

The assessment finds that vegetation clearing that would result from the implementation of the residential development area, as shown on the proposed structure plan, is unlikely to have a significant impact on black cockatoo species or the Western Ringtail Possum. This is primarily due to the following factors:

- large areas of reserved potential habitat for all species exist nearby to the subject land;
- the proposed action will not fragment the existing remnant vegetation corridor within the subject land;
- the vegetation that will be cleared within the residential development area of the subject land is of poor quality; and
- the vegetation that will be included in public open space is the best representation of habitat within the subject land.

Bushfire Management Plan

A portion of the subject land is designated bushfire prone on the State Map of Bushfire Prone Areas. In response, a Bushfire Management Plan (BMP) has been prepared in accordance with the WAPC *State Planning Policy 3.7 – Planning in Bushfire Prone Areas 2015/Guidelines for Planning in Bushfire Prone Areas 2017*.

The key findings of the BMP are summarised as follows -

- Pre-development vegetation is assessed as: 'Class A Forest' in the south and west of the subject land; 'Class B Woodland' in the centre, east and northeast areas of the subject land; and 'Class G Grassland' in the northern and southern portions of the subject land.
- Effective slope is assessed as flat ground.
- The vegetation to be retained post-development in the central public open space and landscape buffer along Commonage Road is not considered to present bushfire threat to future development.
- The BMP BAL contour map suggests that four residential lots have a *marginal* intrusion of the BAL-40 contour, however with the proposed internal road network, combined with the building setbacks required by the Residential Planning Codes of WA for R20 and R30, the separation distance between future development (houses) and classified vegetation will achieve BAL-29 or lower. The BAL contour map is provided at Attachment H.
- The BMP finds that the southern portion of Lot 10 is suitable for residential subdivision and development as set out by the proposed structure plan.

Local Water Management Strategy

The Local Water Management Strategy (LWMS) for the subject land describes drainage strategies for the management of 1:1, 1:5, 1:10 and 1:100yr stormwater (flood) events using a combined system of on-lot detention, swales, conveyance pipes, bio-retention and detention basins of various sizes. Post-development peak flow rates are estimated to be equal to or less than the estimated pre-development peak flow rates for the 1:5 flood event. The LWMS does not propose off-site treatment/disposal of stormwater.

Services

The Amendment report states that the future development of Lot 10 can be serviced by extending the reticulated water, sewer, power and telecommunications infrastructure located within the adjacent Dunsborough Lakes estate.

STATUTORY ENVIRONMENT

The key elements of the statutory environment with respect to this proposal are set out in the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*. Each is discussed below under appropriate subheadings.

Planning and Development Act 2005

The *Planning and Development Act 2005* outlines the relevant considerations when preparing and amending local planning schemes. The relevant provisions of the Act have been taken into account in preparing and processing this Amendment.

Planning and Development (Local Planning Schemes) Regulations 2015

The *Planning and Development (Local Planning Schemes) Regulations 2015*, which came into operational effect on 19 October 2015, identifies three different levels of amendments – basic, standard and complex. The resolution of the local government is to specify the level of the amendment and provide an explanation justifying this choice. This Amendment is considered to be a ‘standard’ amendment.

The Regulations provide separate processes for the approval of Scheme amendments and structure plans, adherence to which would advance the proposed Structure Plan ahead of the Amendment. However as the Structure Plan is reliant upon the change in zoning proposed in the Amendment and the nature of the proposal supports their assessment in parallel, the Structure Plan and Amendment are being progressed concurrently. Progression of the proposed Structure Plan will therefore assume the process and timeframes associated with the Amendment.

RELEVANT PLANS AND POLICIES

The key policies relevant to the proposal are:

1. *State Planning Policy 6.1 Leeuwin Naturaliste Ridge Policy.*
2. *State Planning Policy 3.7 Planning for Bush Fire Prone Areas/Guidelines for Planning in Bushfire Prone Areas 2015.*
3. *City of Busselton Draft Local Planning Strategy.*
4. *Dunsborough Lakes Structure Plan.*

State Planning Policy 6.1 Leeuwin Naturaliste Ridge Policy

State Planning Policy 6.1 Leeuwin Naturaliste Ridge Policy (LNRSP) identifies the subject land as a 'Development Investigation Area'. A Development Investigation Area is a guide to potential development, but requires detailed investigation (structure planning and rezoning) prior to subdivision and development, including form, function and design. In the vicinity of a 'Principal Centre' i.e. Dunsborough, a Development Investigation Area may comprise urban development.

State Planning Policy 3.7 Planning in Bushfire Prone Areas and Guidelines for Planning in Bushfire Prone Areas

SPP 3.7 directs how land use should address bushfire risk management in Western Australia. It applies to all land which has been designated as bushfire prone by the Fire and Emergency Services (FES) Commissioner as highlighted on the Map of Bush Fire Prone Areas. The accompanying *Guidelines for Planning in Bushfire Prone Areas* provide supporting information to assist in the interpretation of the objectives and policy measures outlined in SPP 3.7, providing advice on how bushfire risk is to be addressed when planning, designing or assessing a planning proposal within a designated bushfire prone area.

The key elements of the Guidelines relevant to the proposal are:

- Element 1: Location of Development; and
- Element 2: Siting of Development.

The intent of Element 1 is to ensure that the subdivision, development or land use is located in areas with the least possible risk from bushfire, to help minimise risk to people, property and infrastructure.

Element 2 intends to ensure that the siting of development minimises the level of bushfire impact. The fire management plan provided in support of the proposal suggests that bush fire risk to rural residential development can be managed to an acceptable level.

The BMP finds that the southern portion of the subject land is suitable for subdivision and development consistent with Element 1 – Performance Principle 1, Acceptable Solution A1.1 and Element 2 - Acceptable Solution A2.1.

City of Busselton Draft Local Planning Strategy

The draft LPS sets the long term broad planning direction for the whole of the District of the City of Busselton and provides the strategic rationale for decisions related to the progressive review and amendment of LPS21.

The draft LPS identifies Lot 10 Commonage Road as forming part of Current Urban Growth Area 'Dunsborough Lakes 12' and notes that the broader area is already zoned and structure planned for urban development. 'Dunsborough Lakes 12' is also identified as a location for a 'Planned Potential Major Outdoor Recreation Site'.

The draft LPS was adopted for final approval by the Council in September 2016 and is currently pending endorsement by the WAPC.

Dunsborough Lakes Structure Plan

The Dunsborough Lakes Structure Plan has guided the progressive subdivision and development of land within its boundaries for urban development. Whilst not currently included within the structure plan boundary, the subject land carries the notation: *“Potential future urban subject to future scheme amendment”*.

FINANCIAL IMPLICATIONS

There are no direct financial implications arising from the recommendations of this report.

Long-term Financial Plan Implications

Development of this land will support the continued planned growth of Dunsborough, and will ensure continued contributions towards development and upgrading of community facilities to service the Dunsborough Community.

STRATEGIC COMMUNITY OBJECTIVES

The Officer Recommendation is consistent with community objective 2.1 of the *City of Busselton Strategic Community Plan 2017*, which is - *‘planning strategies that foster the development of neighbourhoods that meet our needs as we grow’*.

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City’s risk assessment framework. The assessment identified ‘downside’ risks only, rather than upside risks as well. The implementation of the Officer Recommendation will involve initiating the proposed Amendment for referral to the Environmental Protection Authority and adopting the proposed Structure Plan for advertising. In this regard, there are no significant risks identified.

CONSULTATION

There is no requirement under the *Planning and Development (Local Planning Schemes) Regulations 2015* to advertise a proposed scheme amendment prior to it being initiated by the Council. Accordingly, no advertising has occurred to date.

If the Council resolves to initiate the proposed Amendment, the relevant amendment documentation would be referred to the Environmental Protection Authority for consideration of the need for formal assessment under Part IV of the Environmental Protection Act 1986. Should the EPA resolve that the Amendment does not require formal assessment it will be advertised for 42 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The Western Australian Planning Commission has been consulted regarding the submission of a combined scheme amendment request and a structure plan since the new local planning schemes regulations came into effect. The approach to this application will be to process the Structure Plan and Amendment concurrently.

OFFICER COMMENT

The City's draft Local Planning Strategy identifies Lot 10 Commonage Road, Dunsborough as forming part of the broader Dunsborough Lakes urban growth area.

The proposal is consistent with *State Planning Policy 6.1 Leeuwin Naturaliste Ridge* which includes the land within a 'Development Investigation Area' for prospective urban development, subject to rezoning and structure planning. The subject land is in proximity to the Dunsborough town centre and its associated commercial and community services and facilities and forms a logical extension to the existing Dunsborough Lakes estate.

The proposed structure plan layout over Lot 10 responds to the physical attributes of the site, namely the identification of remnant vegetation and habitat areas occupying the central third and adjacent to Commonage Road. These are seen as warranting environmental preservation and protection, in accordance with the findings of the environmental assessment, with the northern third set aside for the future development of district-level active open space, and the southern third for residential subdivision and development.

The proposal would also assist in facilitating the acquisition of a 7.56 hectare portion of Lot 10 by the City for the future development of district-level sporting and active recreation ovals and associated infrastructure.

CONCLUSION

Officers are recommending that proposed Scheme Amendment 27 to Local Planning Scheme 21 and the proposed Structure Plan be adopted for public consultation, which will include referral to the EPA and subsequent advertising and referral to relevant state government agencies.

OPTIONS

Should the Council not support the Officer Recommendation, the Council could instead resolve –

1. To decline the request to initiate the proposed amendment (and provide a reason for such a decision). It should be noted that under the relevant legislation there is no right of appeal against a Council decision not to initiate an amendment.
2. To seek further information before making a decision.
3. To initiate the proposed amendment subject to further identified modification(s) as required.

Officer assessment has not revealed any substantive issue or reasonable grounds that would support any of these options and it is considered that options 2 and 3 could be more appropriately considered following the receipt of advice from the relevant state government agencies.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The implementation of the Officer Recommendation would include advising the applicant of the Council resolution and referring the Amendment to the Environmental Protection Authority, which will occur within one month of the resolution.

COUNCIL DECISION AND OFFICER RECOMMENDATION**C1709/216**

Moved Councillor J McCallum, seconded Councillor P Carter

That the Council:

1. In pursuance of the *Planning and Development (Local Planning Schemes) Regulations 2015*, initiates Amendment 21 to the City of Busselton Local Planning Scheme 21 for the purposes of:
 - a. Rezoning Lot 10 Commonage Road, Dunsborough from 'Reserve for Public Purposes' to 'Special Purposes (Dunsborough Lakes Development Area)'.
 - b. Amending Schedule 3 – 'Special Provision Areas' to include Lot 10 Commonage Road, Dunsborough.
 - c. Amending the boundary of Special Provision Area 42.
 - d. Amending the Scheme map accordingly.
2. That, as the draft Amendment is in the opinion of the Council consistent with Part V of the Act and Regulations made pursuant to the Act, that upon preparation of the necessary documentation, the draft Amendment be referred to the Environmental Protection Authority (EPA) as required by the Act, and on receipt of a response from the EPA indicating that the draft Amendment is to be subject to formal environmental assessment, be advertised for a period of 42 days, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. In the event that the EPA determines that the draft Amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the draft Amendment.
3. Advises the Western Australian Planning Commission that the proposed Amendment is considered a 'standard' amendment pursuant to the *Planning and Development (Local Planning Scheme) Regulations 2015* for the following reasons:
 - i. The amendment would have minimal impact on land in the Scheme area that is not the subject of the amendment.
 - ii. The amendment would not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.
4. Adopts the draft Dunsborough Lakes Structure Plan depicted at Attachment E for public consultation, pursuant to the deemed provisions of Part 7 of the City of Busselton Local Planning Scheme 21.

**CARRIED 9/0
EN BLOC**

Attachment E



12. ENGINEERING AND WORKS SERVICES REPORT

12.1 PROCLAMATION OF MAIN ROADS - BUSSELL HIGHWAY, NORTHERLY STREET AND WALGER CLOSE

SUBJECT INDEX:	Thoroughfares
STRATEGIC OBJECTIVE:	Road networks that provide for a growing population and the safe movement of all users through the District.
BUSINESS UNIT:	Engineering and Facilities Services
ACTIVITY UNIT:	Land matters
REPORTING OFFICER:	Land and Infrastructure Officer - Andrew Scott
AUTHORISING OFFICER:	Director, Engineering and Works Services - Oliver Darby
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Main Roads Western Australia proclamation plans⇒ Attachment B Overall Development Guide Plan - Vasse Newtown - October 2015⇒

PRÉCIS

This report seeks the Council's endorsement for Main Roads Western Australia proclamation plans 201021-0155-02 and 201621-0101-00 (Attachment A) for the proclamation of a new section of Bussell Highway as a highway; and the de-proclamation of Northerly Street and Walger Close (both formerly Bussell Highway).

BACKGROUND

During 2015, Main Roads WA constructed a new section of highway around the Vasse development. Project named 'The Vasse Bypass', the new highway was opened 29 January 2016.

At a meeting held 11 May 2016, the Council endorsed for the new section of highway to be named 'Bussell Highway', and for the 'Old Bussell Highway' through the Vasse village to be renamed following a period for public submissions (Council decision C1605/113). At a subsequent meeting held 14 September 2016, the Council endorsed the names Northerly Street and Walger Close for the 'Old Bussell Highway' (Council decision C1609/239). The new road names were then submitted to and approved by Landgate Geographic Naming.

Following the opening of the new section of highway (now known as Bussell Highway), Main Roads WA made road, drainage and other improvements to Northerly Street. Then by agreement with Main Roads WA, on 1 July 2017 the City accepted the handover of Northerly Street and Walger Close from Main Roads WA. The agreement includes provision of \$97,523 from Main Roads WA to the City for road, drainage and path construction works, to bring the road to a standard suitable to the City's Engineering and Works Services department.

Northerly Street and Walger Close are now assets of the City of Busselton.

'Highways' and 'main roads' are proclaimed as such under the *Main Roads Act 1974*. By default, public roads are vested with local government, as a 'local road'; but after proclamation under the Act, roads are vested with the Commissioner for Main Roads. De-proclamation is the reversal of the classification of a highway or main road to a local road.

Attachment A are Main Roads WA plans for the section of Bussell Highway to be proclaimed as a highway and for Northerly Street and Walger Close to be de-proclaimed from highway to local roads. Main Roads WA seeks the Council's endorsement for the plan.

STATUTORY ENVIRONMENT

- [Main Roads Act 1930](#) section 13, 'Proclamation of highways and main roads'

RELEVANT PLANS AND POLICIES

Overall Development Guide Plan for Vasse Newtown, endorsed 5 October 2015 (Attachment B), shows the Vasse bypass around the development. The same guide plan shows the 'Old Bussell Highway' (now Northerly Street) passing through a built-up area of commercial, educational and residential zones. The implication from the guide plan is that the bypass would become the new highway around the development and the old highway through the village centre would become a local road.

FINANCIAL IMPLICATIONS

City of Busselton budget for the year ended 30 June 2018 includes provision for the following works:

Cost code	Description	Amount
D0016	Vasse Highway drainage works	\$22,523
F0076	Vasse Bypass road footpath	\$65,000
W0207	Busselton highway pavement deformation	\$10,000
		<u>\$97,523</u>

The works are to be funded by Main Roads WA under the handover agreement of the road asset to the City.

Northerly Street and Walger Close have been handed over by Main Roads WA and are now assets of the City. Budget for roads are part of the City's road asset management plans.

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

Key goal area	Community objective
5. Transport – Smart, connective and accessible	5.1 Public transport services that meet the needs of the community.

RISK ASSESSMENT

Presently, there may be some legal doubt about responsibility for the new section of Bussell Highway, Northerly Street and Walger Close. Proclamation should negate any doubt.

CONSULTATION

Nil.

OFFICER COMMENT

The proclamation of the new section of Bussell Highway around the Vasse development, and the de-proclamation of Northerly Street and Walger Close formalises the status of the respective roads under the *Main Roads Act 1930* and provides certainty over management responsibility.

Proclamation allows the two road authorities (Main Roads WA and the City of Busselton) to assume full care, control and management responsibility of the roads under the overarching legislation for each authority.

CONCLUSION

The Council should endorse the Main Roads Western Australia proclamation plan 201621-0101-00 (Attachment A) pursuant to the *Main Roads Act 1930*.

OPTIONS

The alternative of not endorsing the proclamation plan is not recommended this may leave doubt about the management responsibility of the new section of Bussell Highway around the Vasse development and Northerly Street and Walger Close.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

A signed copy of the proclamation plan may be forwarded to Main Roads WA within a month of the publishing of the minutes of the Council decision.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1709/217 Moved Councillor J McCallum, seconded Councillor P Carter

That, pursuant to the *Main Roads Act 1930*, the Council endorses Main Roads Western Australia proclamation plans 201021-0155-02 and 201621-0101-00 (Attachment A) showing:

1. the proclamation of the new section of Bussell Highway around the Vasse development as a highway; and
2. the de-proclamation of Northerly Street and Walger Close as a highway.

CARRIED 9/0

EN BLOC

Attachment A

AMENDMENTS

- Proclaim M043, Bussell Hwy
- De-proclaim M043, Bussell Hwy
(Old Bussell Hwy)
- Proclaim Roctary - H006
- Bussell Bypass West Roctary

PROCLAMATION LEGEND

EXISTING PROCLAIMED ROUTE

H006 Highway
(^r Road Name)

M042 Main Road
(^r Road Name)

SECTION TO BE DE-PROCLAIMED

H002 ~~Highway~~
~~(^r Road Name)~~

M012 ~~Main Road~~
~~(^r Road Name)~~

SECTION TO BE PROCLAIMED

H006 Highway
(^r Road Name)

M042 Main Road
(^r Road Name)

^{*} Landgate approved local usage name

PO18 Main Roads Controlled Path

Controlled paths (shared pedestrian or bicycle) depicted on this drawing are those for which Main Roads Western Australia has responsibility. Paths, shared pedestrian or bicycle, the responsibility of other entities are not shown.

This is to certify that Council endorses the proposal shown on this plan.

Council Resolution: of Council Meeting Held On:

OR, DELEGATED AUTHORITY in accordance with Section 5.41(d) of the Local Government Act 1995.

Chief Executive Officer:

Date:

Gazette:

Page No:

Signature: *[Signature]* Position: *[Signature]*

Date: 10/8/2017 Date: 10/8/2017

City of Busselton - LG No. 205

Planning and Technical Services Directorate

PROCLAMATION PLAN

CITY OF BUSSELTON

SHEET 1 of 1

MAIN ROADS WESTERN AUSTRALIA

Scale: 1:10,000

201021-0155-02

BASE MAP LEGEND

Town Site Area

Local Government Area And Boundary

Cadastral

Local Road

CITY OF BUSSELTON

SOUTH WEST REGION

CITY OF BUSSELTON

LEGEND

EXISTING PROCLAIMED ROUTE

H006 Highway
(^r Road Name)

M042 Main Road
(^r Road Name)

SECTION TO BE DE-PROCLAIMED

H002 ~~Highway~~
~~(^r Road Name)~~

M012 ~~Main Road~~
~~(^r Road Name)~~

SECTION TO BE PROCLAIMED

H006 Highway
(^r Road Name)

M042 Main Road
(^r Road Name)

^{*} Landgate approved local usage name

PROCLAMATION PLAN

CITY OF BUSSELTON

SHEET 1 of 1

MAIN ROADS WESTERN AUSTRALIA

Scale: 1:10,000

201021-0155-02

BASE MAP LEGEND

Town Site Area

Local Government Area And Boundary

Cadastral

Local Road

CITY OF BUSSELTON

SOUTH WEST REGION

CITY OF BUSSELTON

LEGEND

EXISTING PROCLAIMED ROUTE

H006 Highway
(^r Road Name)

M042 Main Road
(^r Road Name)

SECTION TO BE DE-PROCLAIMED

H002 ~~Highway~~
~~(^r Road Name)~~

M012 ~~Main Road~~
~~(^r Road Name)~~

SECTION TO BE PROCLAIMED

H006 Highway
(^r Road Name)

M042 Main Road
(^r Road Name)

^{*} Landgate approved local usage name

AMENDMENTS	
<p>PROCLAMATION LEGEND</p> <p>EXISTING PROCLAIMED ROUTE</p> <p>H006 Highway <i>(Road Name)</i> M042 Main Road <i>(Road Name)</i></p> <p>SECTION TO BE DE-PROCLAIMED</p> <p>H002 H012</p> <p>SECTION TO BE PROCLAIMED</p> <p>H006 Highway M042 Main Road</p> <p>NOTE: State Road Number is abbreviated, for example H002 is displayed as H2 ^ Landgate approved local usage name</p> <p>P018 Main Roads Controlled Path Controlled paths (shared, pedestrian or bicycle) depicted on this drawing are those for which Main Roads Western Australia has responsibility. Paths, shared, pedestrian or bicycle, the responsibility of other entities are not shown.</p> <p>This is to certify that Council endorses the proposal shown on this plan.</p> <p>Council Resolution: of Council Meeting Held On:</p> <p>OR, DELEGATED AUTHORITY in accordance with Section 5.41(d) of the Local Government Act 1995.</p> <p>Chief Executive Officer Date:</p> <p>Gazette:</p> <p>Page No:</p> <p>DATE OF ORIGINAL STATE 25 Sep 16 PREPARED/AMENDMENT DATE:</p> <p>Signature: <i>[Signature]</i> Date: <i>10/3/2017</i> Position: <i>NPDH</i> Date: <i>10/3/2017</i></p> <p>Signature: <i>[Signature]</i> Date: <i>10/3/2017</i> Position: <i>EDPTS</i></p> <p>Planning and Technical Services Directorate CITY OF BUSSELTON - LG No. 205</p> <p>PROCLAMATION PLAN Proclaim H043 Bussell Hwy. Deproclaim H043 Bussell Hwy (Old Bussell Hwy) SHEET 1 of 1</p> <p>MAIN ROADS WESTERN AUSTRALIA DISTRICT: 20/00 FILE No: 00624 DATE: 201621-0101-00</p>	
<p>BASE MAP LEGEND</p> <p>CITY OF BUSSELTON</p> <p>Boundary Local Government Town Site Area And Boundary Cadastre Local Road</p> <p>NOTE: FOR THE MAP OF TOWNSTIPS, REFER TO TOWNSTIP DRAWINGS</p> <p>NOTE: Old Bussell Hwy was handed to City of Bussell, 1/7/2017, and renamed Normandy Street (Local Road No. - 2051500) Old Bussell Hwy was handed to City of Bussell, 1/7/2017, this section is renamed Wager Close (Local Road No. - 2051501)</p> <p>NOTES: Roads and/or paths are represented by centrelines which are a notional reference line of the road and approximates the centre of the pavement width.</p> <p>CITY OF BUSSELTON</p> <p>PROCLAMATION</p> <p>LEGEND</p> <p>EXISTING PROCLAIMED ROUTE</p> <p>H006 Highway <i>(Road Name)</i> M042 Main Road <i>(Road Name)</i></p> <p>SECTION TO BE DE-PROCLAIMED</p> <p>H002 H012</p> <p>SECTION TO BE PROCLAIMED</p> <p>H006 Highway M042 Main Road</p> <p>NOTE: State Road Number is abbreviated, for example H002 is displayed as H2 ^ Landgate approved local usage name</p> <p>P018 Main Roads Controlled Path Controlled paths (shared, pedestrian or bicycle) depicted on this drawing are those for which Main Roads Western Australia has responsibility. Paths, shared, pedestrian or bicycle, the responsibility of other entities are not shown.</p> <p>This is to certify that Council endorses the proposal shown on this plan.</p> <p>Council Resolution: of Council Meeting Held On:</p> <p>OR, DELEGATED AUTHORITY in accordance with Section 5.41(d) of the Local Government Act 1995.</p> <p>Chief Executive Officer Date:</p> <p>Gazette:</p> <p>Page No:</p> <p>DATE OF ORIGINAL STATE 25 Sep 16 PREPARED/AMENDMENT DATE:</p> <p>Signature: <i>[Signature]</i> Date: <i>10/3/2017</i> Position: <i>NPDH</i> Date: <i>10/3/2017</i></p> <p>Signature: <i>[Signature]</i> Date: <i>10/3/2017</i> Position: <i>EDPTS</i></p> <p>Planning and Technical Services Directorate CITY OF BUSSELTON - LG No. 205</p> <p>PROCLAMATION PLAN Proclaim H043 Bussell Hwy. Deproclaim H043 Bussell Hwy (Old Bussell Hwy) SHEET 1 of 1</p> <p>MAIN ROADS WESTERN AUSTRALIA DISTRICT: 20/00 FILE No: 00624 DATE: 201621-0101-00</p>	

13. COMMUNITY AND COMMERCIAL SERVICES REPORT

13.1 DRAFT LIBRARY SERVICES STRATEGY 2017-2027

SUBJECT INDEX:	Library Operations
STRATEGIC OBJECTIVE:	A community with access to a range of cultural and art, social and recreational facilities and experiences.
BUSINESS UNIT:	Community Services
ACTIVITY UNIT:	Library Services
REPORTING OFFICER:	Manager, Community Services - Maxine Palmer
AUTHORISING OFFICER:	Director, Community and Commercial Services - Naomi Searle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Draft Library Strategy 2017-2027 ⇒

PRÉCIS

In response to significant changes at a State Library level and at local community level a strategy for library services has been developed to guide and set the priority focus areas for the growth and development of library services over the next ten (10) years.

Further to a recent Council briefing, this report seeks Council's consideration to approve the advertising of the Library Services Strategy for a period of 21 days and subject to any feedback received, adopt the Library Services Strategy 2017-2027 as a guide for future planning.

BACKGROUND

Changes affecting library services have been recognised for some time. Extensive research and consultation has been conducted by the Public Library Service of Western Australia (PLWA) in partnership with the Western Australian Local Government Association (WALGA) in order to develop a strategic plan for library services in WA. The Research and Consultation Findings Report was released in June 2015. The report groups findings into four key areas: Integrated Planning, Good Governance, Best Value Service Delivery and Strategic Positioning.

The Research and Consultation Findings report led to the development of Vision 2025 and the Framework for Strategic Action PLWA. The PLWA Vision for library services in Western Australia is to "Build connection, creativity and learning," by a focus on four areas: Building capacity and fostering community engagement, promoting learning and literacy, preserving, sharing and celebrating our rich heritage and inspiring new ideas and creativity.

The Research and Consultation Findings report, the Vision 2025 Framework, a local community survey and the City of Busselton's Economic and Demographic Profile 2016 have informed the development of a local library services strategy for the City of Busselton.

On 9 August 2017, Council were provided with an overview of the draft Library Services Strategy 2017-2027 which included the key drivers for changes, survey results, alignment to other key strategies and the goals and strategies that have been developed to integrate with future planning and delivery of library services with Business Plans, Long Term Financial Plans and Workforce Plans.

STATUTORY ENVIRONMENT

The Library Board of Western Australia Act 1951-1983 specifies the funding arrangement between the Minister for Culture and the Arts and WALGA for Western Australian Public Libraries.

Library Board Regulations 1985 is the Local Level Agreement for the Delivery of Public Library Services i.e. the services required to be provided by Local Governments from their Public Libraries.

RELEVANT PLANS AND POLICIES

Libraries play a key role in delivering the City's Social Plan with actions identified in the Youth, Seniors, Cultural Services and Business Industry and Employment sectors including:

1. Improved home care services for seniors via home delivery
2. Internet services for training and employment opportunities.
3. learning opportunities for all ages
4. Helping children have the best start in life by the provision of the Better Beginnings program and school holiday programs.
5. Collation and development of aboriginal history and other cultures as part of the Libraries Local History Studies.
6. Support business on the move by the provision of Wi-Fi.

FINANCIAL IMPLICATIONS

The majority of the strategies contained within the draft Library Services Strategy can be achieved through existing resources. There are four strategies, which have costs that are not currently forecast in the City's planning framework, these are:

1. Vehicle for outreach services to Vasse and Provenge (staff resources of 0.4FTE to be considered in future workforce planning)
2. Expansion of, or a purpose built new library and service development for Dunsborough
3. Expansion of Busselton library
4. Options for future library services in Vasse, Yalyalup and Ambergate North

Subject to the adoption of the Library Services Strategy, these strategies will be considered against other priorities in future reviews of the Long Term Financial Plan.

STRATEGIC COMMUNITY OBJECTIVES

The City of Busselton Libraries Strategy supports the City's vision for a City "where environment, lifestyle and opportunity meet." In particular libraries contribute to achieving this vision by supporting the following key goal areas:

Key Goal Area 1 – COMMUNITY: Welcoming, friendly and healthy.

Libraries are accessible to everyone and by connecting people to information, knowledge and services libraries provide the community with access to life-long health and education opportunities.

Key Goal Area 2 - PLACE AND SPACES: Vibrant, attractive and affordable.

By their locations and incorporation in and around other community and business services libraries support the development of vibrant, pedestrian friendly central business districts and village centres.

Key Goal Area 4 – ECONOMY: Diverse, robust and prosperous.

Public libraries make education, training and employment processes accessible to everyone, supporting a better trained and educated workforce with increased opportunity and success in today's knowledge-based society.

Key Goal Area 6 – LEADERSHIP: Visionary, collaborative and accountable.

Our libraries engage broadly and proactively with the community, collaborate with other libraries and develop successful partnerships with other stakeholders in government, community services and the private sector.

RISK ASSESSMENT

There are no identified risks of medium or greater associated with the officer recommendation, with the recommendation serving to mitigate the risks associated with not seeking further public comment prior to the adoption of the Strategy as a guide for future planning.

CONSULTATION

WALGA and PLWA have consulted extensively with public library staff and Local Government representatives. Consultation with key stakeholders was held in April and May 2015, based on key discussion questions developed in the Public Library Services Background Paper. These discussion questions were derived from research and were informed by consultations organised by WALGA and PLWA with CEOs and professional library staff during late 2014. 55 Local Governments were represented, 24 from metropolitan and 31 from non-metropolitan areas.

During April 2016 a library survey was conducted which aimed to attract responses from current users and non-users. The survey was promoted in the media, by advertising, Facebook, City website and displays at the libraries, Naturaliste Community Centre (NCC), Dunsborough shopping centre, Geographe Leisure Centre, ArtGeo Cultural Complex, City's Customer Service, Busselton Senior Citizen's Centre, Youth Advisory Council and through Bess Home and Community Care. A total of 680 valid responses were received.

Subject to Council approval of the Officer recommendation the Library Services Strategy 2017-2027 will be advertised for further public comment in the Council for Community page, in Busselton and Dunsborough library and on the library website and Facebook page.

OFFICER COMMENT

Libraries play a vital role in building the capacity of a community by being open and accessible to all regardless of background or stage of life. They inspire and enrich lives, connect people, build literacy, learning and knowledge, preserve and share community history and support the local economy.

The need to change and adapt library services and facilities is being accelerated by the increasingly digital world in which we live. Libraries need to keep pace with this change to remain relevant in today's society, but it is also fundamental that our libraries remain relevant to our local communities. This presents the challenge of maintaining services to high standards whilst establishing the capabilities to respond to growing, changing and new needs.

The Library Services Strategy 2017-2027 defines the driving change for our library services at a State Library level and at local community level and considers technological advancements, demographic change and consumer preferences. Planning accessible services for all sectors of an increasingly diverse community is vital with a particular focus on increasing services and service appeal to our Aboriginal and multicultural communities, our aging community and in early years development.

Key statistics from the City's current library services have been analysed which clearly demonstrate the increasing demand for eServices. Strategies have been considered to address the evolution of the virtual library in addition to the maintenance and development of the City's two physical spaces at Busselton and Dunsborough.

680 responses were received from a current library user and non-library user survey. Information from the survey informed strategies around increasing accessibility to library services. As work and life patterns change libraries need to be accessible when people are able to use them.

The survey has shown that there is a strong desire to extend current opening hours and days. There will also be an increased need for outreach services and eService provision for remote accessibility. There remains a strong attachment to libraries as a meeting place and social hub and continuing demand for traditional library services and therefore it is important to continue to develop and maintain a diverse, high quality collection that meets local community need.

Both physical library spaces are benchmarked against industry standards. Population forecasts for both Busselton and Dunsborough demonstrate the need to expand current facilities in the future to address increased utilisation for libraries as work and study hubs, learning portals, connection points and social hubs within our community. Strategies consider opportunities at both existing libraries to capitalise on existing infrastructure and alternatives such as a new purpose built library at Dunsborough.

The future vision for libraries focusses on their importance as community connectors transforming lives through inspiring and enabling learning, innovation, literacy, creativity and change. Underpinning this vision are four key goals to:

- Goal 1 – Establish the library as a connection point for our communities.
- Goal 2 - Inspire passion for reading, personal growth and learning
- Goal 3 – Provide spaces for learning, work, play, knowledge exchange and relaxation
- Goal 4 – Develop collections and services and the skills to deliver them

The majority of the strategies can be achieved by changing focus and doing things differently within existing resources. However, there are four strategies, which have costs that are not currently forecast in the City's planning framework, these are:

1. Vehicle for outreach services to Vasse and Provenge (staff resources of 0.4FTE to be considered in future workforce planning)
2. Expansion of, or a purpose built new library and service development for Dunsborough
3. Expansion of Busselton library
4. Options for future library services in Vasse, Yalyalup and Ambergate North

Subject to the adoption of the Library Services Strategy, these strategies will be considered against other priorities in future reviews of the Long Term Financial Plan.

CONCLUSION

Council is requested to approve the advertising of the Library Services Strategy for a period of 21 days. Subject to any feedback the Strategy will be adopted and consideration given against other priorities in future reviews of the Long Term Financial Plan.

OPTIONS

Council could determine that sufficient consultation has been undertaken already and may choose to adopt the Strategy for future planning without further feedback.

Council could seek specific changes to the Strategy prior to any further consultation or adoption.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Subject to Council approval, the Library Services Strategy will be advertised for a period of 21 days as soon as practicable. It is proposed that Council adopts the Strategy for public comment but if there are any adverse comments the strategy will be the subject of a further report to Council.

COUNCIL DECISION AND OFFICER RECOMMENDATION**C1709/218**

Moved Councillor J McCallum, seconded Councillor P Carter

That the Council:

1. Approves the advertising of the Library Services Strategy 2017-2027 for a period of 21 days for public comment and, if there are no adverse objections, adopts the Strategy; and
2. The contents of the strategy be considered in future reviews of the City of Busselton's Long Term Financial Plan.

CARRIED 9/0**EN BLOC**



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1.0 Executive Summary

Libraries are ever changing, but now more than ever, change is being accelerated by the increasingly digital world in which we live. Libraries need to keep pace with this change to remain relevant in today's society, but it is also fundamental that our libraries remain relevant to our local communities where some needs remain unchanged and are not declining. This presents the challenge of maintaining services that we know and confidently deliver to high standards each day whilst establishing the capabilities to respond to growing, changing and new needs. This strategy explores what is driving change for our library services at a State Library level and at local community level and considers technological advancements, demographic change and consumer preferences. Planning accessible services for all sectors of an increasingly diverse community is vital with a particular focus on increasing services and service appeal to our Aboriginal and multicultural communities, our aging community and in early years development.

Key statistics from our current library services have been analysed which clearly demonstrate the increasing demand for eServices. Strategies have been considered to address the evolution of our virtual library in addition to the maintenance and development of our current two physical spaces at Busselton and Dunsborough.

680 responses were received from a current library user and non-library user survey. Information from the survey informed strategies around increasing accessibility to library services. As work and life patterns change libraries need to be accessible when people are able to use them. The survey has shown that current opening hours and days need to be extended. There will also be an increased need for outreach services and eService provision for remote accessibility. There remains a strong attachment to libraries as a meeting place and social hub and continuing demand for traditional library services and therefore it is important to continue to develop and maintain a diverse, high quality collection that meets local community need.

Both physical library spaces are benchmarked against industry standards. Population forecasts for both Busselton and Dunsborough demonstrate the need to expand to current facilities in the future to address increased utilisation for libraries as work and study hubs, learning portals, connection points and social hubs within our community. Strategies consider opportunities at both existing libraries to capitalise on existing infrastructure within adjoining Community Centres to achieve this.

So what will libraries look like in the future?

The following statement represents the future vision for the City of Busselton's library services:

Our libraries are community connectors transforming lives through inspiring and enabling learning, innovation, literacy, creativity and change.

There are four key goals to achieve this vision:

- Goal 1 – Establish the library as a connection point for our communities.
- Goal 2 - Inspire passion for reading, personal growth and learning
- Goal 3 – Provide spaces for learning, work, play, knowledge exchange and relaxation
- Goal 4 – Develop collections and services and the skills to deliver them



2.0 Drivers for change

2.1 State level change

The changing face of library services has been recognised for some time. Extensive research and consultation has been conducted by the Public Library Service of Western Australia (PLWA) in partnership with the Western Australian Local Government Association (WALGA) in order to develop a strategic plan for library services in WA. The Research and Consultation Findings Report was released in June 2015. The report led to the development of Vision 2025 and the Framework for Strategic Action PLWA. The report groups findings into four key areas: Integrated Planning, Good Governance, Best Value Service Delivery and Strategic Positioning. The findings which affect the City's libraries at a local level and are driving new strategic directions are:



2.1.1 Integrated Planning

- The expansion in Local Government services over recent decades has led to a mismatch between expenditure demands and current levels of revenue. Libraries like other Local Government services constantly have to deliver more with the same resources.
- The recognition that planning for public library services cannot be done in isolation and must sit within State and Local Government policy frameworks and priorities.
- New ways of thinking are emerging about how services can be delivered to ensure services are affordable and remain relevant.
- Opportunities to work and plan with other State Government Agencies need to be considered e.g. closer integration with Regional Development Commissions may be an opportunity.

2.1.2 Good Governance

- The Library Board of Western Australia Act 1951 and its Regulations (1985) need to be amended to support the effective delivery of public library services in WA.
- Local Government is now funding 88% of public library services as State funding reduces, yet under the Act the State is the controlling body.
- Reconsideration of how State funding could be used more effectively to address diverse needs across the State including alternative ways in which services can be delivered e.g. outsourcing and greater collaboration between libraries.
- Strategies agreed from the Structural Reform of Public Libraries Report.
- Changes to the funding model and stock ownership.
- Service reviews that question who delivers what services and why, and the benefits at the local level.

2.1.3 Best value service delivery

- Opportunities for increased co-location and partnerships for service delivery, increased revenue or community amenity. This includes working with other agencies, community groups, the private sector and across the Local Government's own resources.
- Redefining core services and what is value added.
- Neighbouring libraries working more collaboratively to plan, share information and share specialised labour resources.
- The changing skills required for library staff.
- Inefficiencies in the exchange service, inter library loans and other services
- Changes to hand held and smaller technologies and the configuration and use of both physical and virtual space.

2.1.4 Strategic Positioning

- Libraries will require flexible space, effective partnerships, and some re-skilling of staff.
- Strategies will need to be put in place to transition thinking about the public library from a focus on books on shelves and bricks and mortar to a focus on the outcomes that library services deliver and how these outcomes can be best met.
- Public libraries occupy valuable real estate in the community and could add additional value through a more diverse service offer.
- By 2025, the uptake of the e-book and access to content from a range of mobile platforms will mean that libraries will not need as much space for traditional

collections. Although collection space will be reduced, collection budgets will need to be maintained or enhanced as the collection mix changes.

- Libraries will need the capability to enable services to be accessed by a growing range of mobile devices.
- Increased tendency for business and governments to push business online. Public libraries are increasingly filling the gap to provide access to online services and develop the digital literacy skills to use them.



2.2 City of Busselton demographic profile changes

The City of Busselton's Economic and Demographic Profile 2016 reports an estimated resident population at June 2014 of 35,562, representing average annual growth of 3.7%. Over the period to 2026, the population of the City of Busselton is expected to increase by 8,388 persons to a level of approximately 43,950 persons.

The City of Busselton is a popular holiday destination. In addition to permanent residents the City experiences an average of 1,138,900 visitors annually. Many of whom use the library's services, particularly public PCs and Wi-Fi.

There are currently three major town sites: Busselton, Vasse and Dunsborough with significant developments also happening at Yalyalup. The future town site of Ambergate North will need to include significant growth to the library service and consider another facility as part of Ambergate's development plans.

The populations by the current town sites of Busselton, Vasse and Dunsborough are shown in the table below:

Key Demographic Indicators, 2011 Census						
	Busselton/Vasse Urban Area		Dunsborough Urban Area		Rural Remainder	
	No.	% of total	No.	% of total	No.	% of total
Person Characteristics						
Total persons	21,407	-	4,531	-	4,392	-
Males	10,244	47.9	2,243	49.5	2,280	51.9
Females	11,163	52.1	2,288	50.5	2,112	48.1
Age group (years):						
0-14	4,534	21.2	1,060	23.4	953	21.7
15-24	2,411	11.3	423	9.3	393	8.9
25-39	3,622	16.9	1,087	24.0	732	16.7
40-54	4,376	20.4	936	20.7	1,114	25.4
55-64	2,612	12.2	489	10.8	684	15.6
64+	3,850	18.0	535	11.8	521	11.9
Median age	40	-	36	-	-	-

- ☐ Ultimately Vasse will cater for approximately 5000 people.
- ☐ Yalyalup is estimated to reach up to 7000 people.
- ☐ The Dunsborough district (including Commonage, Yallingup, Eagle Bay) has an estimated population of 8,481 as at 30 June 2016; by 2025 this is projected to reach 11,410 and eventually it is assumed a maximum population of around 20,000 people will be reached around 2050.

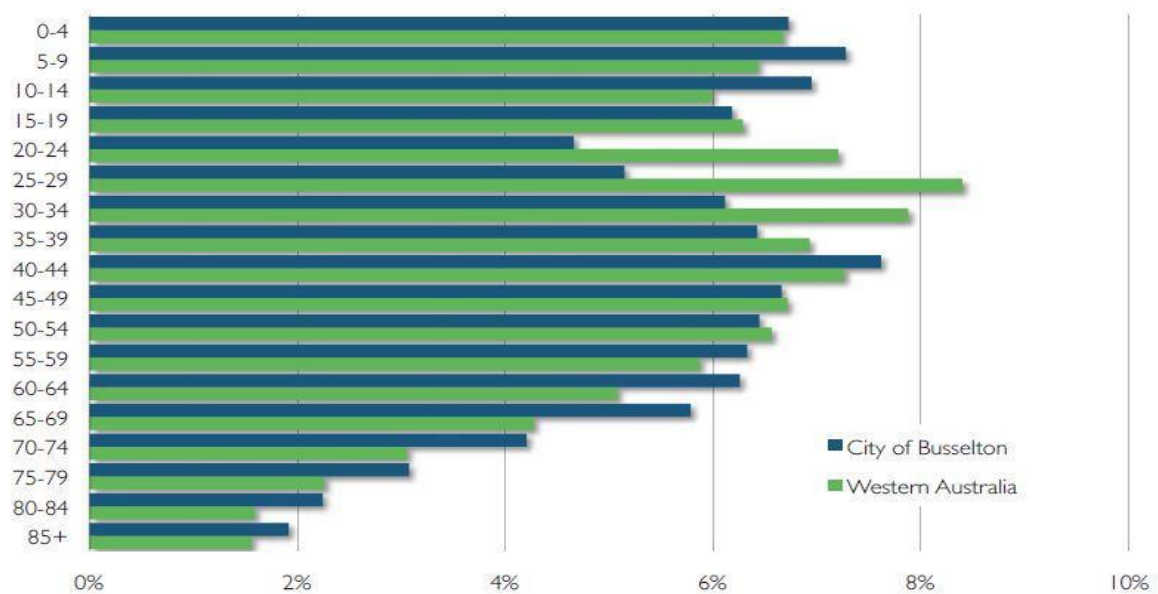
The newer town sites are seeing a change in demographic profiles compared to the City as a whole and the town site of Busselton. The data shows a different demographic in the Dunsborough urban area with a higher proportion of 0-14 and 25-39 year olds. Busselton has a higher proportion of 15- 24 year olds and people 55 and over. It is important to consider these differences when providing and planning for future services at each of the current Busselton and Dunsborough library sites. For example, libraries play a key role in early childhood development and literacy, through early exposure to storytelling for programs for young people and development of literacy skills.

Early childhood programs and services which cater for working adults and families are highly relevant for the population of Dunsborough, whereas youth and seniors program are of higher importance to Busselton library.

Age distribution and other key differences about the demographic profile of the City of Busselton community follow:

Age Distribution

2014

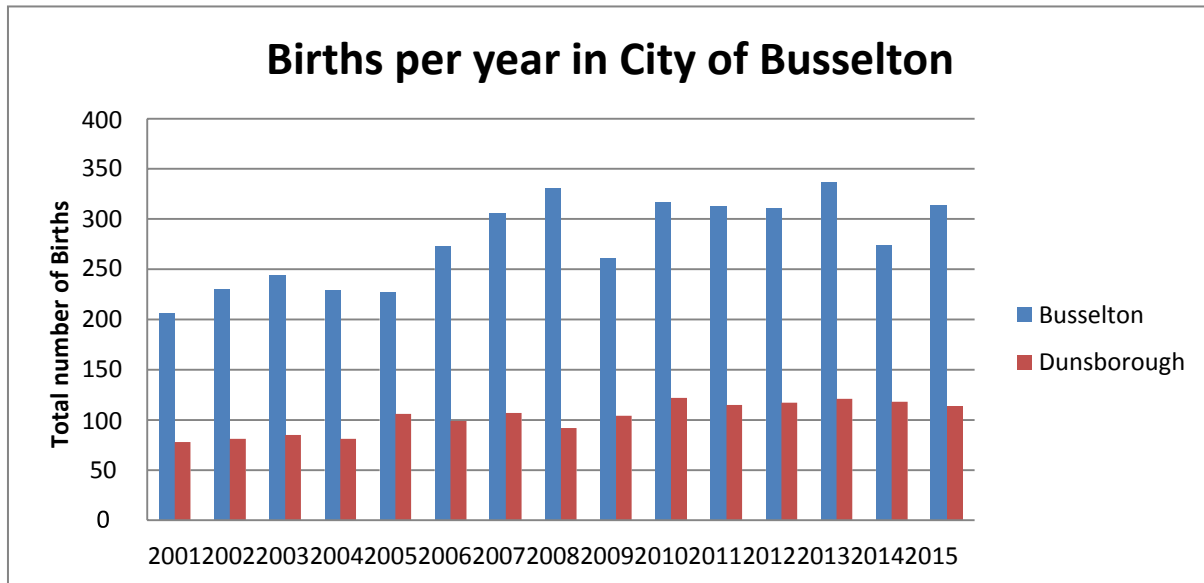


Source: ABS 3235.0

- ❑ The largest share of the population of the City is 40-44 years age group (7.6%), followed by the 5-9 years (7.3%) and 10-14 years age groups (6.9%).
- ❑ The City has a higher proportion of persons aged between 0-14 years, 40-44 years and 55 years and older age brackets than Western Australia and
- ❑ A higher dependency ratio than the State (50%), which is expected to increase by 5.4% to 67.1% in 2026.
- ❑ The City of Busselton has a slightly lower per capita income (\$27,865) than the averages for the South West (\$29,244) and Western Australia (\$32,872),
- ❑ The unemployment rate was 4.5% in the September Quarter 2015 lower than the averages for the South West (4.8%) and Western Australia (5.7%).
- ❑ The workforce participation rate in 2014 was 62% lower than the average rate for the South West (64.9%) and Western Australia (66.9%).
- ❑ There are pockets of disadvantage, with a correlation to poor health, employment and education outcomes, particularly for younger people.

2.3 Early Years Development

Children aged up to four increased by more than 30% in the last five years. This is due to new families moving to the region and increased birth rates. The chart below shows the rise in birth rates since 2001.



At the sitting literacy Australia the literacy. The identified (Social) emotional Vulnerability (Vul 1) Augusta Margaret River, with Western Australia and Australian results shown for comparison.



it was observed that “parents have forgotten that essential for their development’. Early language and child’s life for later literacy outcomes. The results of the have showed an improvement in early literacy since of five-year-olds were at risk of not developing the 2015, the figure had fallen to 15%.

oving early childhood development through the early al health and wellbeing (Physical), Social competence nunication skills and general knowledge (Comm) and low is the current 2015 scores of those children with of children with Vulnerability in one domain or more e (Vul 2), for the City of Busselton and the Shire of

AEDC Results for City of Busselton and Shire of Augusta Margaret River

Community	No	Physical	Social	Emot	Lang	Comm	Vul 1	Vul 2	SEIFA	SEIFA	
Broadwater/Abbey		3.9	3.9	5.3	4.0	2.6	12.0	5.3	997	931-1074	Sig Improvement in Physical, social and emotional domains 2012 to 2015. Sig improvement from 2009 to 2015 in Language.
City of Busselton	591	8.2	7.3	7.3	5.7	4.0	17.6	8.4	894	892-896	Improved sig in Language in 2009 to 2015 but signs of declined social. No change from 2012 to 2015 in all domains.
Dunsborough/ Quindalup /Quedjinup		2.8	4.2	5.2	3.7	0.7	12.4	4.3	1059 1054 1068	990-1124 1025-1092 1068-1068	Improved sig in Physical, emotional and language since 2009 to 2015 no sign change 2012 to 2015
Geographe		17.0	9.4	9.4	7.8	5.7	27.5	9.4	958	870-1117	Declined sig in Physical from 2009 to 2015 and sig improvement in Emotional Domain from 2009 to 2015.
Vasse		10.0	8.6	10.0	13.0	5.7	21.7	11.4	1040	1008-1049	Declined significantly in Language from 2009 to 2015 and 2012 to 2015. No sig change in other domains
West Busselton		15.8	13.2	11.5	4.4	7.9	25.7	14.9	953	838-1068	Declined significantly in all domains except Language from 2009 to 2015 but significant improvement from 2012 to 2015 in Language

Yallingup/ Wilyabrup /Marybrook		2.6	0.0	0.0	2.7	2.6	8.6	0.0	1080 1073 1030	1047- 1124 1073- 1073 1030- 1030	Improved sig in Emotional from 2009 to 2015 but no sig change in other domains.
Community	No	Physical	Social	Emot	Lang	Comm	Vul 1	Vul 2	SEIFA	SEIFA	
Yongarillup and surrounds		6.8	10.2	6.9	6.8	3.4	17.2	11.9	1037	1037- 1037	Improved significantly in Emotional domain. NS in other domains from 2012
Augusta/ Karridale		9.1	4.5	13.6	4.5	4.5	13.6	13.6	941 1012	913-981 1012- 1012	Unable to compare
Cowaramup /Gracetown		10.9	7.3	9.1	5.7	3.6	24.5	7.3	1048 1074	1028- 1084 1074- 1074	Sig Decline in Emotional and Social since 2009 to 2015 and significant Decline in Physical from 2012 to 2015.
Margaret River/ Gnarabup		6.1	4.7	4.8	9.6	4.7	20.5	6.1	1025 1085	849- 1116 1085- 1085	Sig Decline in /social from 2009 to 2012. Sig Improvemetn in Social in 2012 to 2015.
Rosa Glen/Rosa Brook									1021	1021- 1021	
Augusta Margaret river Shire	255	7.6	5.5	7.2	7.7	4.2	20.5	7.2	1025	849- 1116	Sig Decline in Social Domain from 2009 to 2015. No sig change in any domain from 2012 to 2015
Community	No	Physical	Social	Emot	Lang	Comm	Vul 1	Vul 2	SEIFA	SEIFA	
Australia	273,922	9.7	9.9	8.4	6.5	8.5	22.0	11.1	1000		Improved
Western Australia	30,834	9.9	8.4	8.5	6.6	8.0	21.3	10.5	1007		Improved

*Highest disadvantage in Australia are those with SEIFA scores of 875 and below

The results above identify three target areas within our community where early year's activity would provide benefit to the community. These localities are the communities of Geographe, Vasse and West Busselton. These areas also correlate with low Socio Economic Disadvantage scores below 1,000. Areas of West Busselton have scores of 847 to 863, other areas within Busselton have scores of 872 – 895 and Geographe has a score of 882.

This shows the continued importance of the libraries Better Beginnings, Baby Bounce and Toddler Time programs and the increased need to outreach specific services to these communities in collaboration with schools and child health whilst continuing the delivery of services from the libraries themselves.

2.4 Planning for an ageing community

The following section: Planning for an ageing community has been extracted from the *Public Library Services Research and Consultation Findings Report, June 2015* and describes the significant impact this demographic shift will have on library services into the future:

An ageing population will have significant implications. This is being caused by 'baby boomers,' who have or are transitioning to retirement. This will affect the economy and the services and facilities these retirees will require and will place financial pressure on all levels of government. Declining health and the rising risk of disability with advancing age are also impediments to community participation. Increasing rates of dementia and Alzheimer's and implications for aging carers will also have social impacts.

In 2009, close to one in ten people in Australia aged 65–69 years and just under two in ten people aged 75–79 had a severe or profound disability. In 2011, approximately 3.8% of the Western Australian population required assistance with core activities. In addition, 8.2% of the population aged over 15 years provided unpaid assistance to a person with a disability (Hayes, Weston & Baxter, 2011, p.9).

Libraries will need to continue to provide services to support an ageing population, including adaptive technology, services for clients with special needs, ongoing support to increase digital literacy for seniors, and flexible spaces for social engagement. The increase in one person households will make the library increasingly important in breaking down social isolation and facilitating community engagement. Outreach services, potentially in partnership with other providers or volunteers will need to be flexible to meet mobility and access needs. Skilling up older persons to access digital content and e-books in their own home or in nursing and retirement homes will provide for more efficient distribution models. Clearly, social engagement strategies will also be critical through bringing older people in to library spaces in partnership with care providers or through housebound services.



*There are also some opportunities for library services. Active retirees are often more likely to participate in **volunteer activities** that are of benefit to the community. Libraries could increasingly tap into this labour resource with the added benefit of further building social capital. This group will also have a wealth of knowledge, skills and experience that could be harnessed to share with the younger generations.*

Our Aboriginal community is approximately 1.7% of population and libraries experience a low level of use from this sector. **Libraries need to increase their engagement with this valuable sector and explore ways in which libraries can support them further. Recognition and recording of our Aboriginal culture and history is also a vital component to our local history study service. Activities which encourage story telling and sharing of local history with elders plus conversations that understand how younger generations can make use of and find value in library services need to be investigated with representatives from our local Aboriginal people.**



unities



2.6 English as a second language

In 2011, about one third of Western Australia's population was born overseas, (over 200 languages are now spoken in Western Australia). Our local libraries are starting to see increased demand for books in other languages particularly Japanese, German, Thai and more recently Arabic and Farsi. Libraries are a meeting place where people from the same ethnic backgrounds can meet and form social groups and also share their cultures with Australian and other cultures.

Libraries need to ensure collections are provided in languages and formats which reflect the cultural diversity of the community and find ways in which to invite and facilitate libraries as meeting places and community connection so that libraries continue to be accessible to all.



3.0 Survey results and what our statistics are telling us.

The Australian Bureau of Statistics *Arts & Culture in Australian – a Statistical Overview*

(2009-10) identifies that 34% of the population attended a local library, with survey results showing that the highest attendance rate was for the 15 to 17 year old age group (38%) followed by the 35 to 44 year old age group (36%). Unlike many other cultural institutions, public libraries generally attract repeat visitors with almost half of those who had visited public libraries (46%) doing so on more than 10 occasions during the survey period. Those in older age groups were more likely to make multiple return visits, with almost one third of persons aged 75 years and over who visited a public library attending 26 times or more during the 12 month survey period.

3.1 Key statistics for the City's Libraries

Key statistics for combined Libraries for the period July to December 2016 reveal:

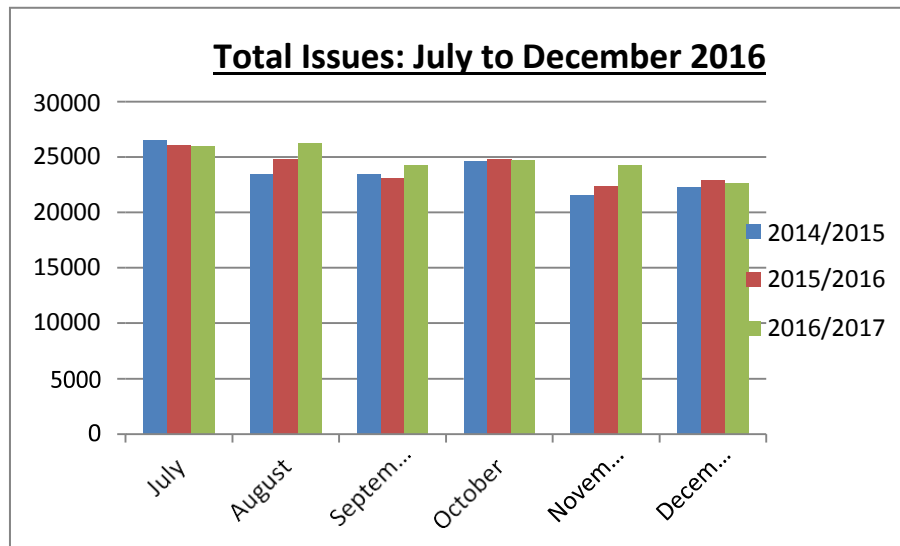
- A total of 17,475 active library members, approximately 50% of the City's population.
- 1507 new members, representing a 26% increase over the same period last year
- A total of 148,102 items (print + eBook) issued, representing a 3% increase over the previous year.
- eBook loans increased by 87% to a total of 18,202 loans.
- eBook loans now represent over 12% of total (print + eBook) loans – up from 7% last year.
- A total of 88,965 visits to our libraries representing a 2% decrease over the same period last year.
- A total of 40,297 visits to the new "Online Library" website. In the 5 months since the launch of the new website, the number of visits increased by 48%.
- The number of users accessing the libraries' WiFi Service increased by 15% over the same period last year. (From 5766 in 2015 to 6589 in 2016).
- The library Facebook page had 601 "likes" as at 31 December 2016, compared to 434 on 31 December 2015 – an increase of 39%.

The statistics for the period July to December 2016 clearly highlight the changes and challenges currently impacting on our libraries as we transition into an increasingly digital environment.

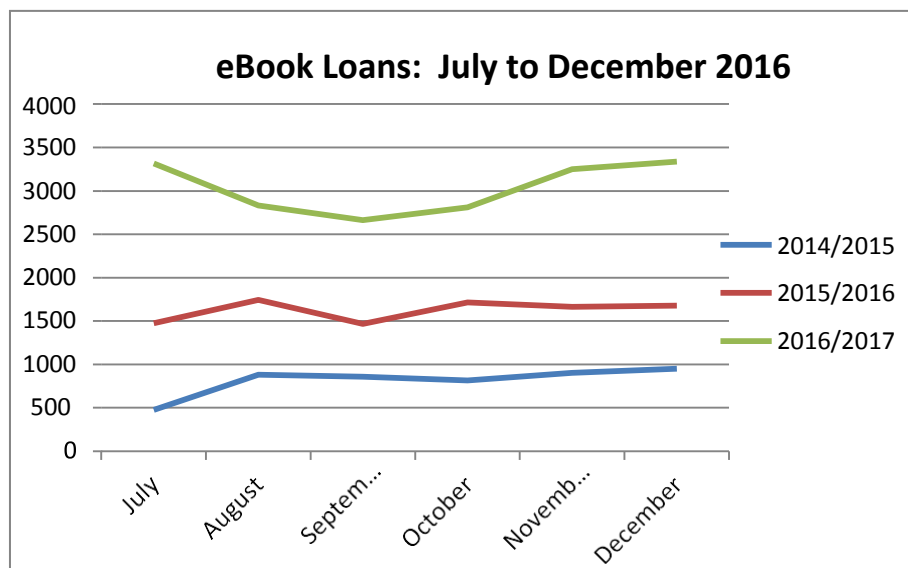
The number of library members continues to increase in line with the population growth. As at 31st December 2016 there were 17,475 active library members, approximately 50% of the City's household population.

The past 6 months saw a total of 148,102 items (print + eBook) issued, representing a 3% increase over the previous year. However, it was the digital resources which incurred the most significant increases with eBook loans rising by 87% to a total of 18,202 loans. eBooks now represent 12% of total (print + eBook) loans, up from 7% last year (See Graphs 1 and 2).

Graph 1. Total Issues: July to December 2016



Graph 2. eBook Loans: July to December 2016



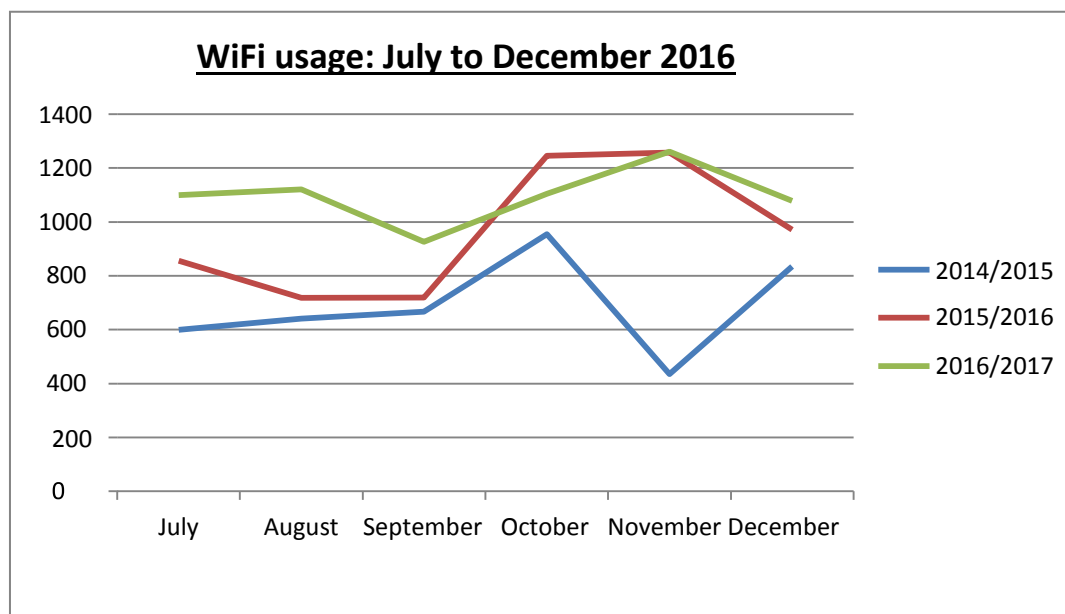
It is predicted that the percentage of eBook loans will continue to rise over the next few years and will then plateau at around 20% of total loans in line with a recently amended Australian Library and Information Association (ALIA) statement which predicts that by 2020 library print and eBook collections will establish an 80:20 ratio.

Whilst the popularity of eBooks is rising, it is evident that print will remain the foundation of many people's reading habits for the foreseeable future. Print books will not disappear and will remain the dominant format in our libraries, but the focus and subject areas of print collections are transitioning from the traditional reference and information focus to the more popular "recreational reading" collections. Results from the recent Library Survey found that 88% of survey respondents listed library resources (books, audio books, music CDs and Dvds) as a top priority for the City of Busselton's public library service over the next two to three years.

Visitor numbers reduced slightly across both libraries to a total of 88,965 visits - a 2% decrease over the same period last year. This is largely indicative of the shift towards eResources which can readily be accessed from home or work or by using WiFi around the library building. It needs to be emphasised that the reduction in overall visitor numbers to our buildings was offset by a 48% rise in the number of visits to the new “Online Library” website. Launched in August 2016, the “Online Library” has generated a lot of interest and usage with a total of 40,297 visits in the 5 months up until December 31st. This trend is likely to continue, with further development of the “Online Library” scheduled to provide a full suite of library services across a digital operating environment. The Online Library functions as a third library branch for the City of Busselton.

The City’s libraries continue to experience a significant demand for public WiFi and internet services. A total of 10,282 sessions were booked on the public internet computers, whilst the number of users accessing the libraries’ WiFi Service increased by 15%, from 5,766 in 2015 to a total of 6,589 in 2016 (see Graph 3).

Graph 3. WiFi Usage: July to December 2016



With the libraries’ Facebook page showing a 39% increase in the number of “likes” over the previous year, social media continues to be a highly effective means of communicating with younger members of our community and has played an important role in library promotions, particularly for children’s services and events.

In today’s technological environment, library clients are demanding an increasingly higher level of servicing than ever before. We are seeing this in demand for public internet access services. More people coming into our libraries to access the increasing number of government services that are only available online as well as the library’s own growing range of online resources. More people come into our libraries wanting to access the internet using their own devices via the library WiFi services. This has also generated a whole new level of customer service, with enquiries from people who are unsure how to use their device, access the service they need or even use the internet.

The challenges associated with the rollout of eGovernment need to be highlighted. The Australian Government has committed to providing online services for all high volume federal services by 2017.

It is intended that by 2020, 80% of Australian Government service interactions will be performed through a digital channel. While these changes are expected to create an easier and more efficient service, a competent level of digital literacy is required to navigate the new systems. Our libraries have already experienced increased demand for eGovernment assistance and this is likely to intensify over the next few years. In order to tackle the difficulties arising from eGovernment, our libraries will need to continue taking steps to appropriately support their community. Digital literacy training for library staff and the public will play an integral part of the success.

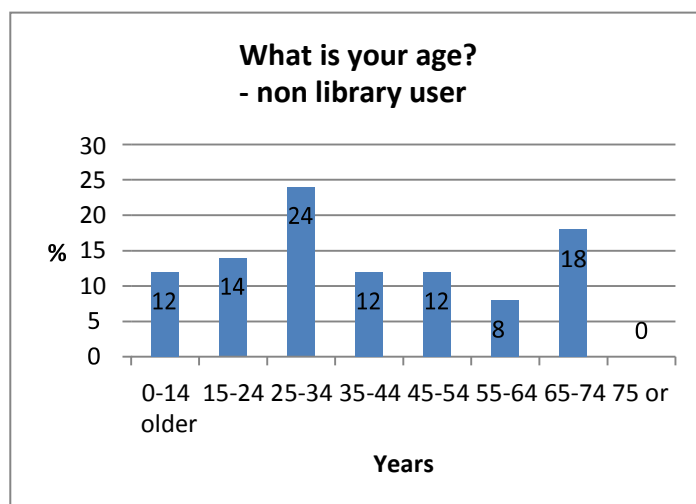
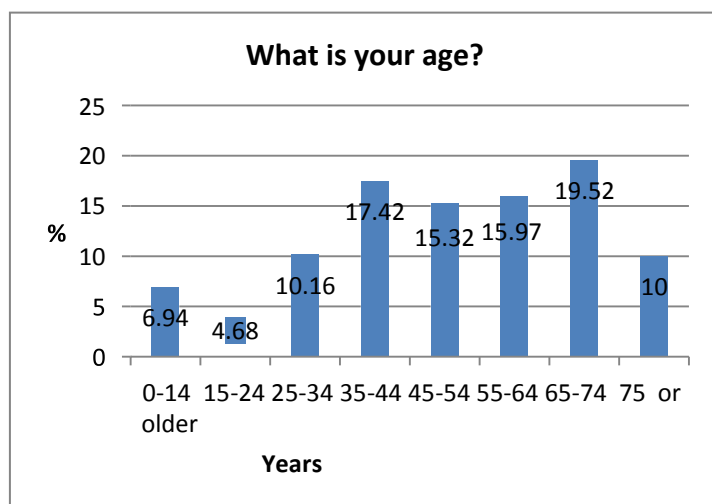
These trends are indicative of the changing role of public libraries in an increasingly digital environment.

3.2 Survey results

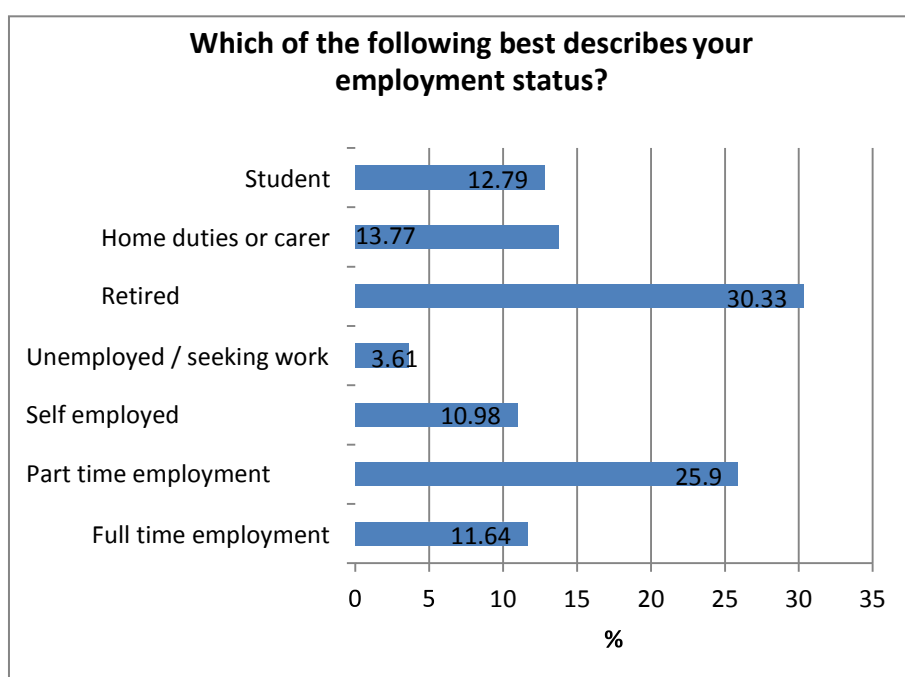
During April 2016 a library survey was conducted which aimed to attract responses from current users and non users. The survey was promoted in the media, by advertising, Facebook, City website and displays at the libraries, Naturaliste Community Centre (NCC), Dunsborough shopping centre, Geographe Leisure Centre, ArtGeo Cultural Complex, City's Customer Service, Busselton Senior Citizen's Centre, Youth Advisory Council and through Bess Home and Community Care.

A total of 680 valid responses were received. The majority 76% were from female respondents. The highest returning age groups were in line with the local demographic profile in the age groups 35-44 and 65-74.

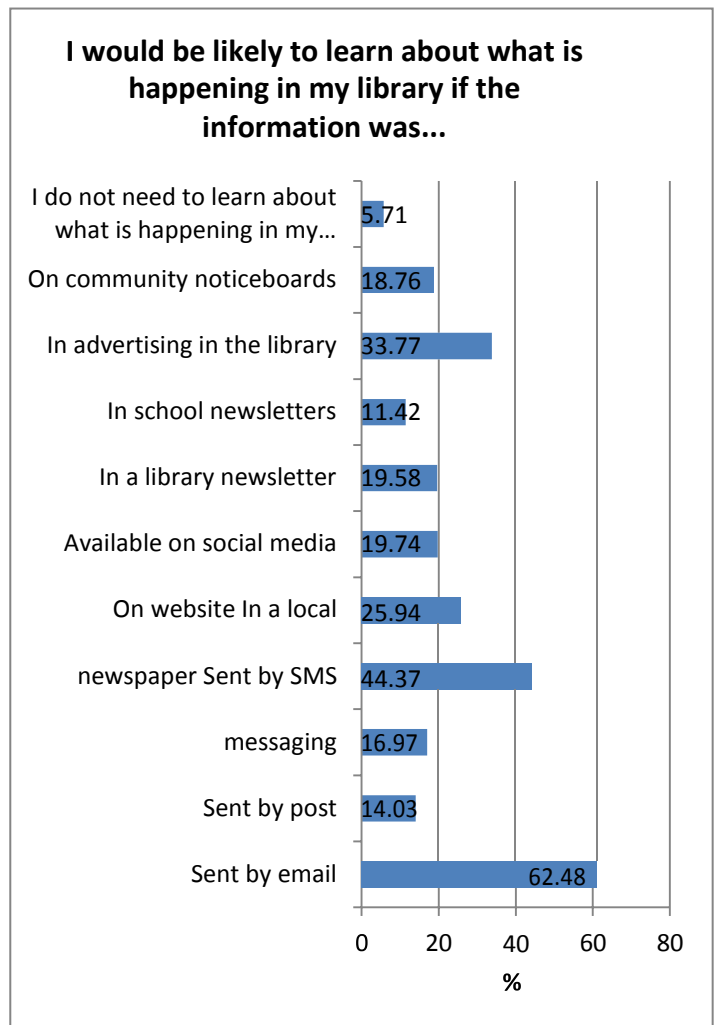
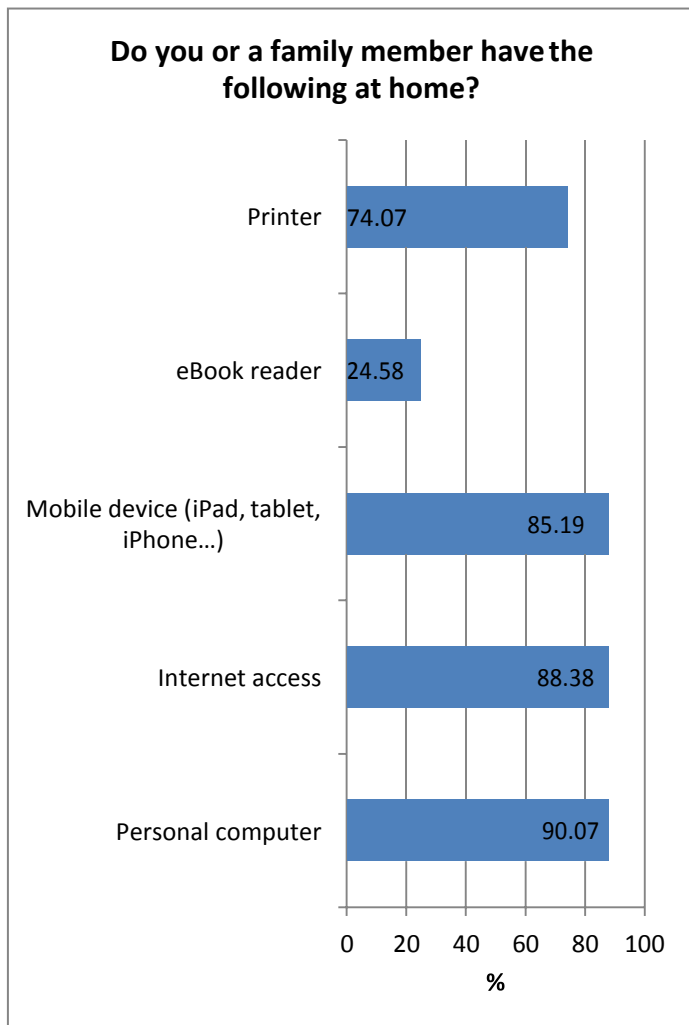
The highest non library user group were respondents aged 25 – 34 years.



Most respondents were retired 30.33% or working part time 25.9%.

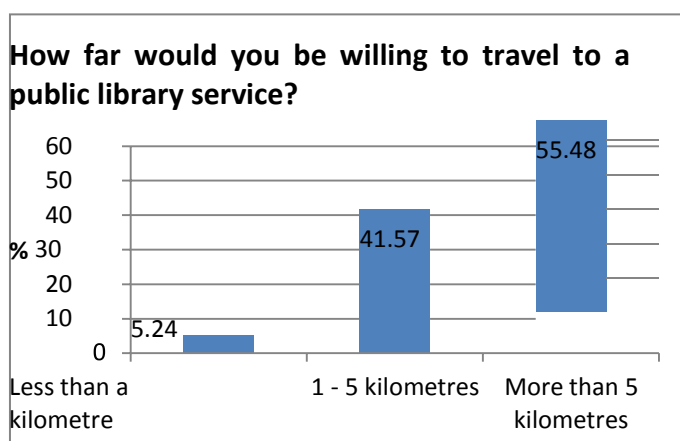


The majority of people (85%), including home delivery users have a mobile device (iPad, tablet, smart phone) and a personal computer at home (90%) and would prefer to receive information about the library by email with home delivery users preferring a newsletter.

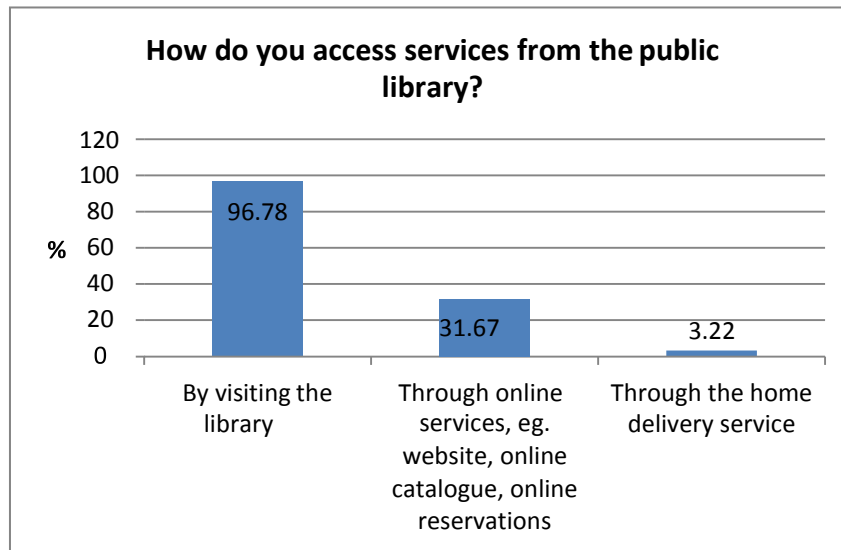


Accessibility

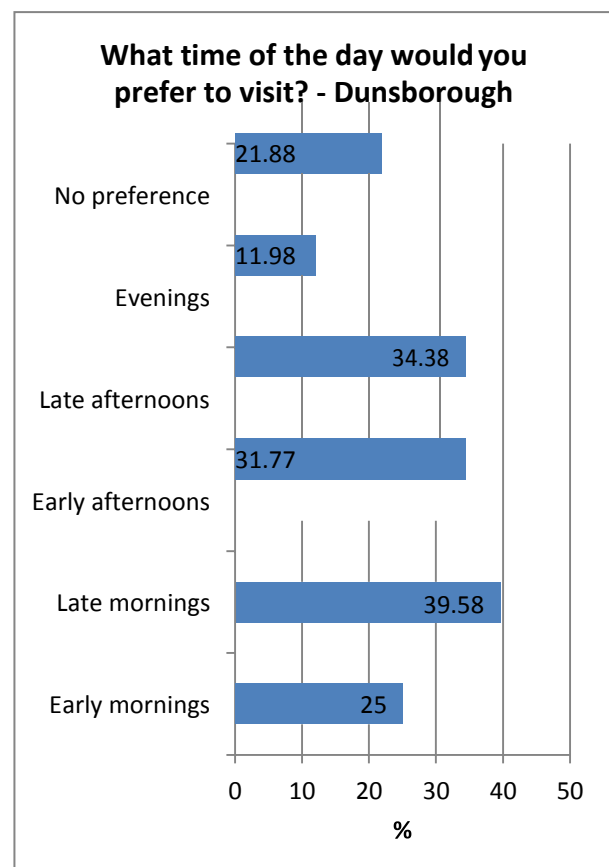
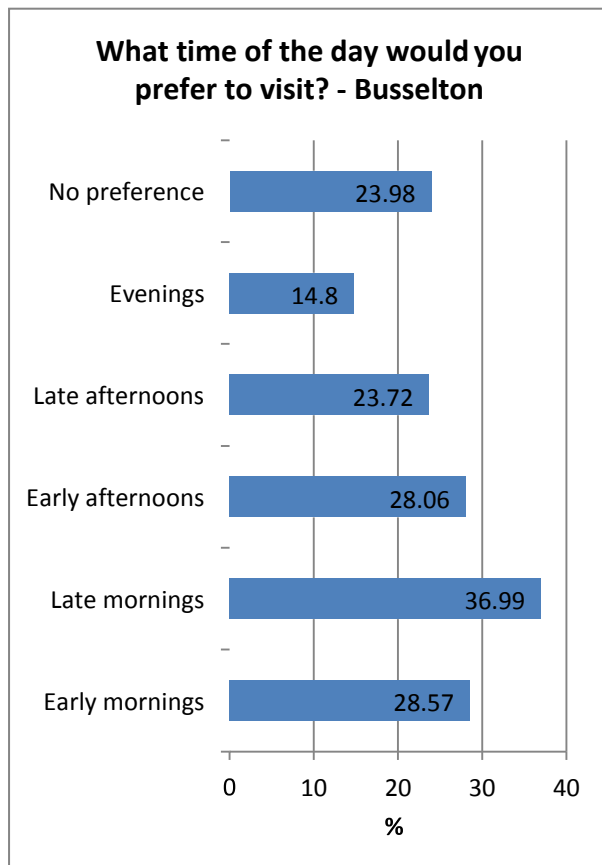
The majority of respondents are prepared to travel more than 5 kilometres to a public library service.



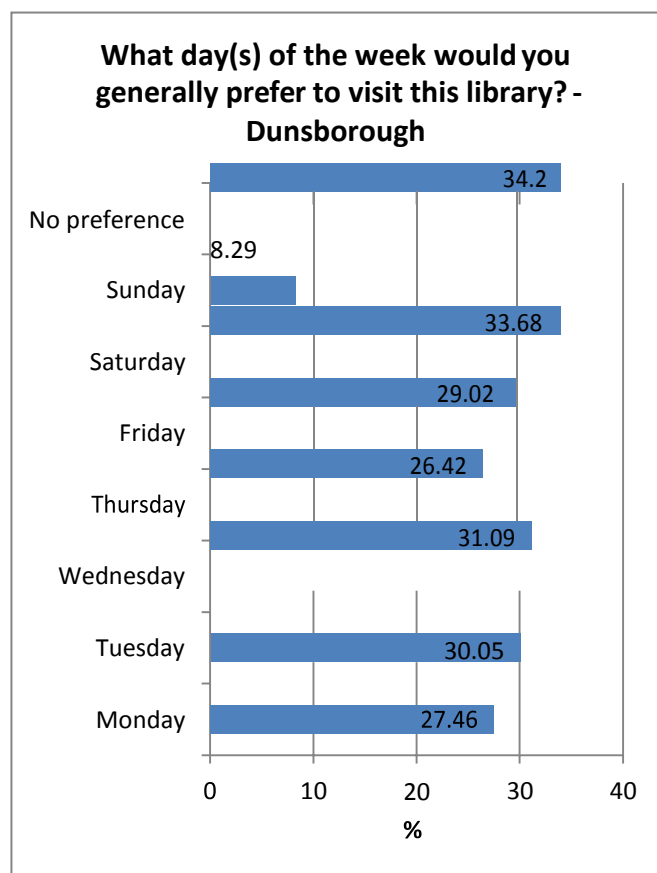
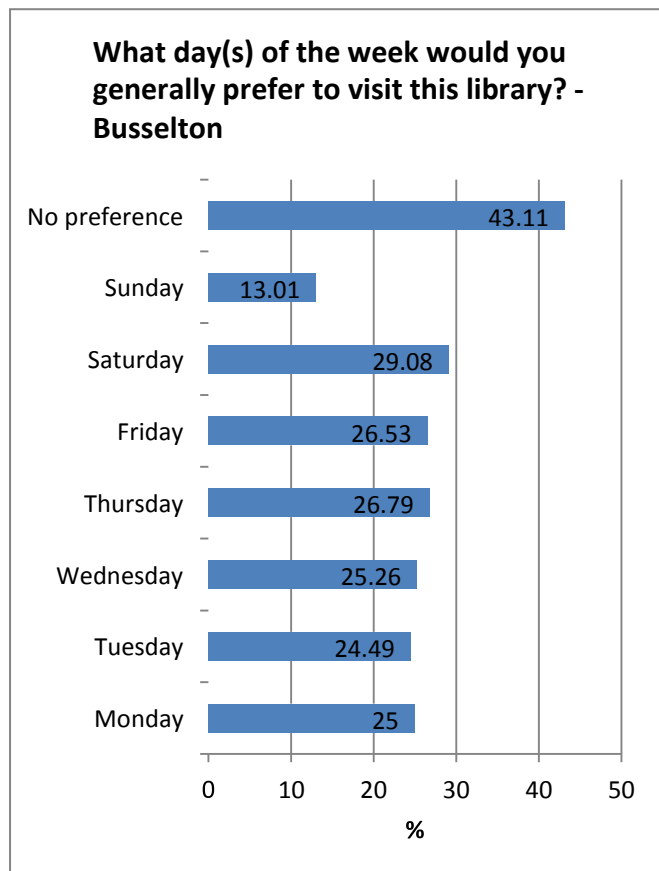
Respondents were asked to specify how they access services and whilst the majority visit the library a surprisingly large number of 31.67% access through on line services, the continued growth in this area is shown in the library statistics above in section 3.1. However, it should be noted this growth in service is in addition to physical visitors to the library and is not replacing them.



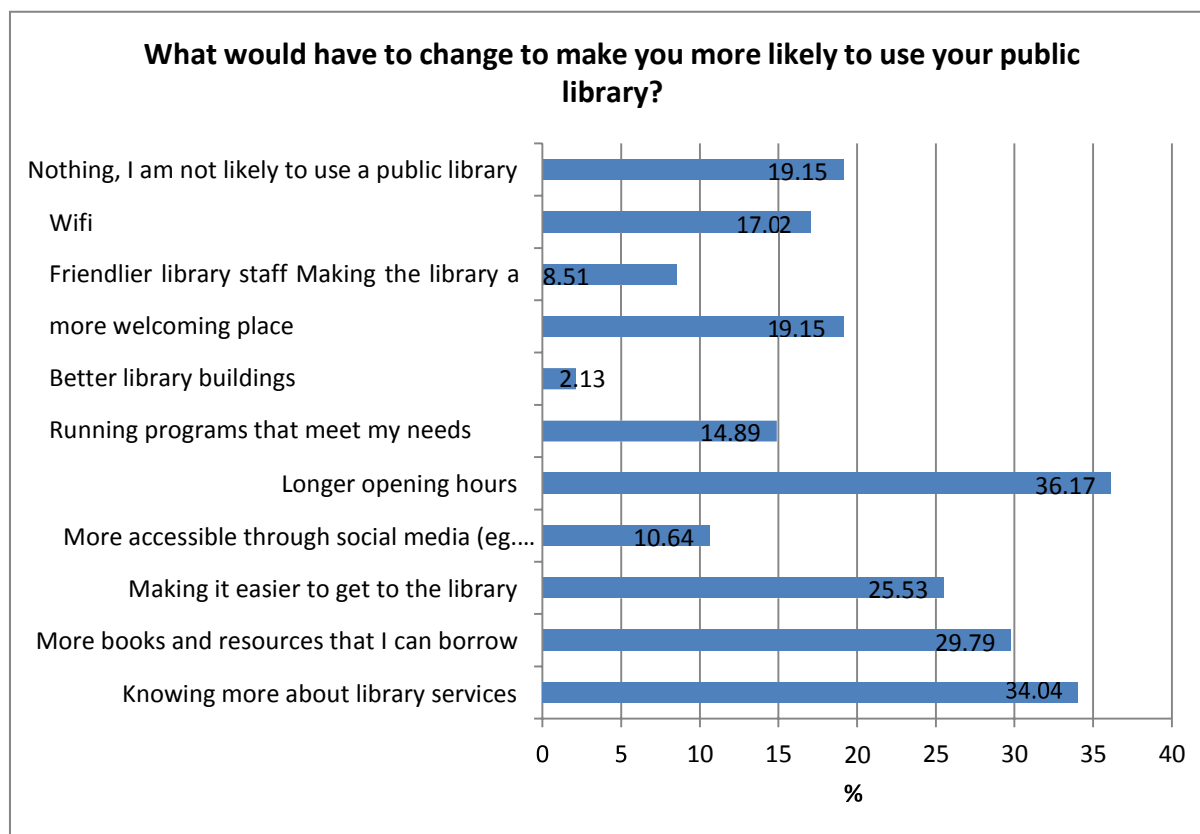
Respondents were asked which library branch they use. Results for both libraries were very similar. However, Dunsborough library usage times correlate with other activities run at the centre with a higher level of usage preference for late afternoons (34.38%) and late mornings (39.58%). Whilst early mornings are popular at both libraries, especially with older visitors when the library is quieter, it ranked higher in Busselton (28.57%) than Dunsborough (25%). Evenings were the lowest preferred time at both libraries.



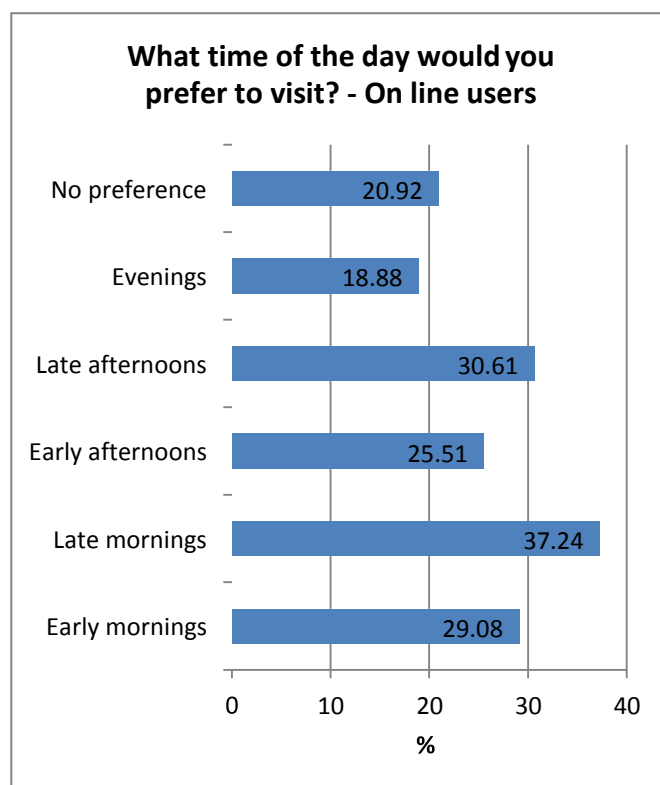
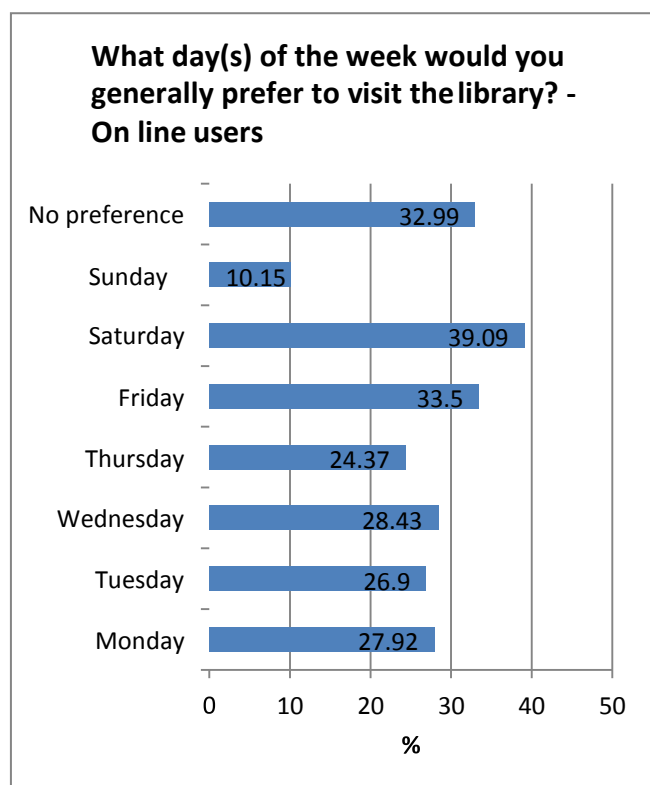
Preferred days to visit both libraries were very similar with little preference for a particular weekday; however Saturday was the highest preferred day to visit overall, 29.08% in Busselton and 33.68% in Dunsborough with 13% of respondents in Busselton stating they would prefer to visit Sundays and 8.29% in Dunsborough. Currently, our libraries are open until 12pm on Saturday and closed on Sundays.



Of the non-library users surveyed, the highest percentage (24.49%) worked fulltime or were retired (20.41%). The main reason non users gave to be more likely to use the library was longer opening hours (36.17%). Supporting comments raised issues with working hours and having family needs that made libraries difficult to get to during the week. 25.53% of non users said they would be more likely to use the library if it was easier to get to with comments also relating to relying on others for transport.



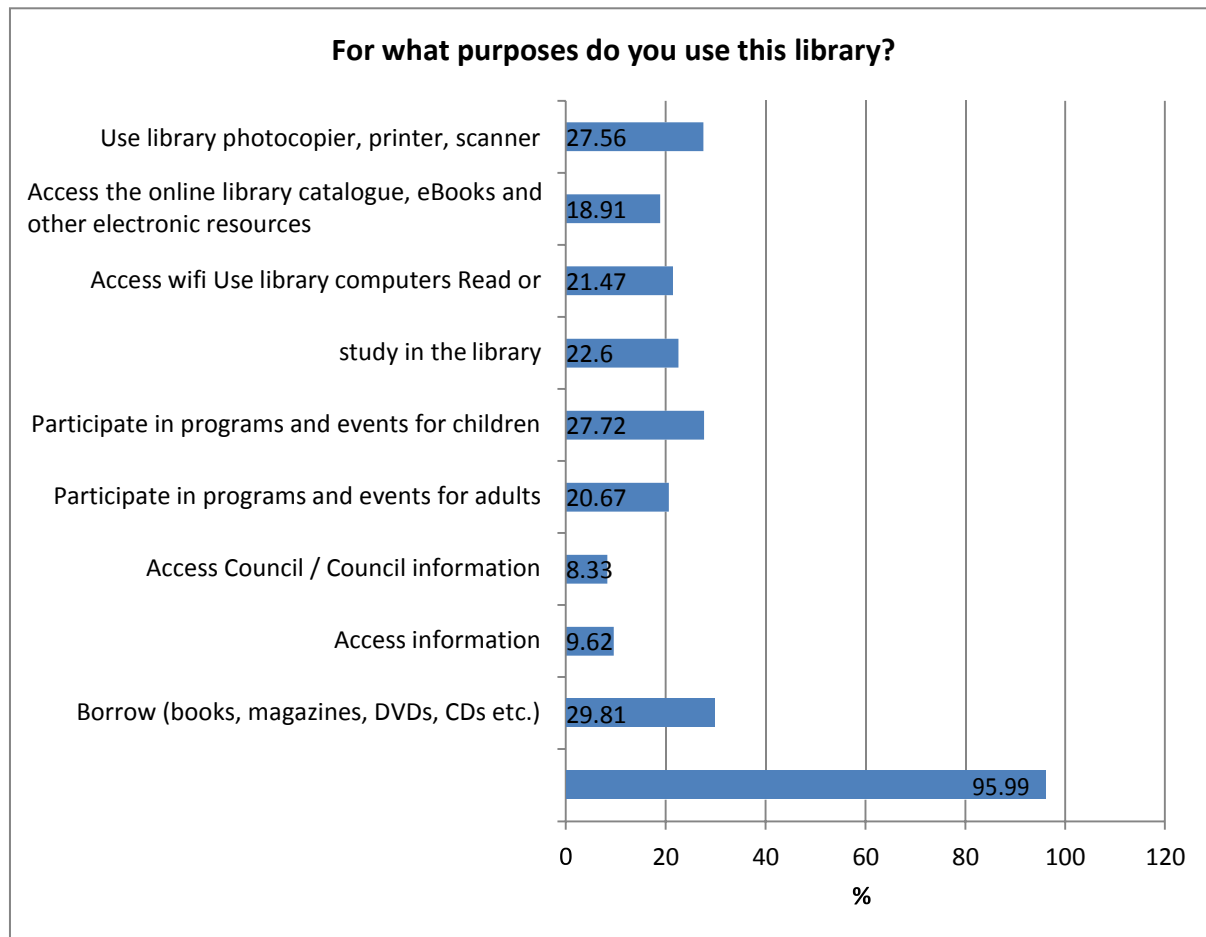
Unsurprisingly, on line service users had the highest no preference rate for days to access services. Saturday and Friday ranked the highest. In terms of time of use, late afternoons and late mornings were the most preferred. This indicates the extent on line services are used for after school and work study and recreation activities.



As work and life patterns change, libraries need to be accessible when people are able to use them. The survey revealed a need to revisit current opening hours and days with a view to opening earlier on weekdays and closing later on Saturdays.

Collections and services

Whilst the survey results showed all service areas have good usage rates the highest percentage of respondents (95.99%) still use the library for borrowing (books, magazines, DVDs, CDs etc.) and to access information (29.81%). **This evidences the continuing strong demand for traditional library services and the importance of developing and maintaining a diverse, high quality collection that meets local community need.**



Use of the library photocopier, printer and scanner is also high at 27%. This supports the growth seen in the use of these services which interestingly is one of the few services that libraries charge a fee to use. **This demonstrates that users are willing to pay small fees for service and there is scope to explore cost recovery fees when developing future services in some areas. It also highlights the importance of continued automation and updates to technology for resourcing efficiency and to keep pace with demand.**

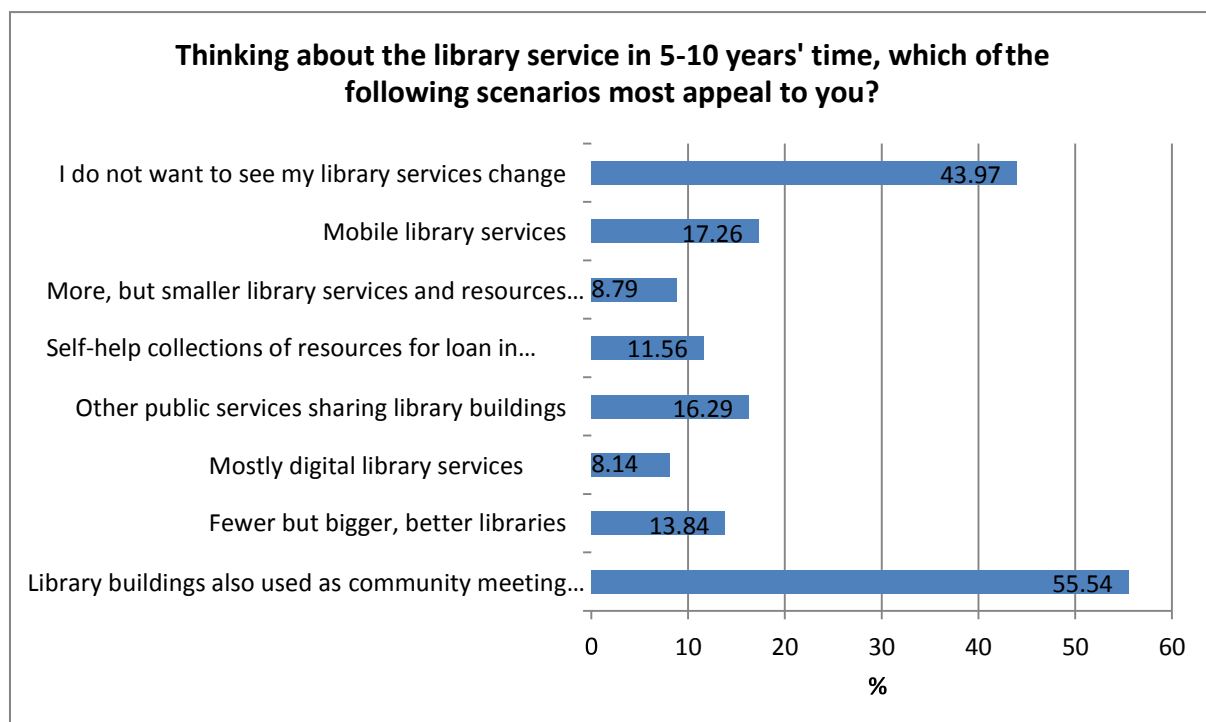
Reading and studying also rated 27%. This data supports the growth libraries have seen in the use of the public PCs, Wi-Fi as people bring in their own devices.

Current satisfaction levels and areas for improvement

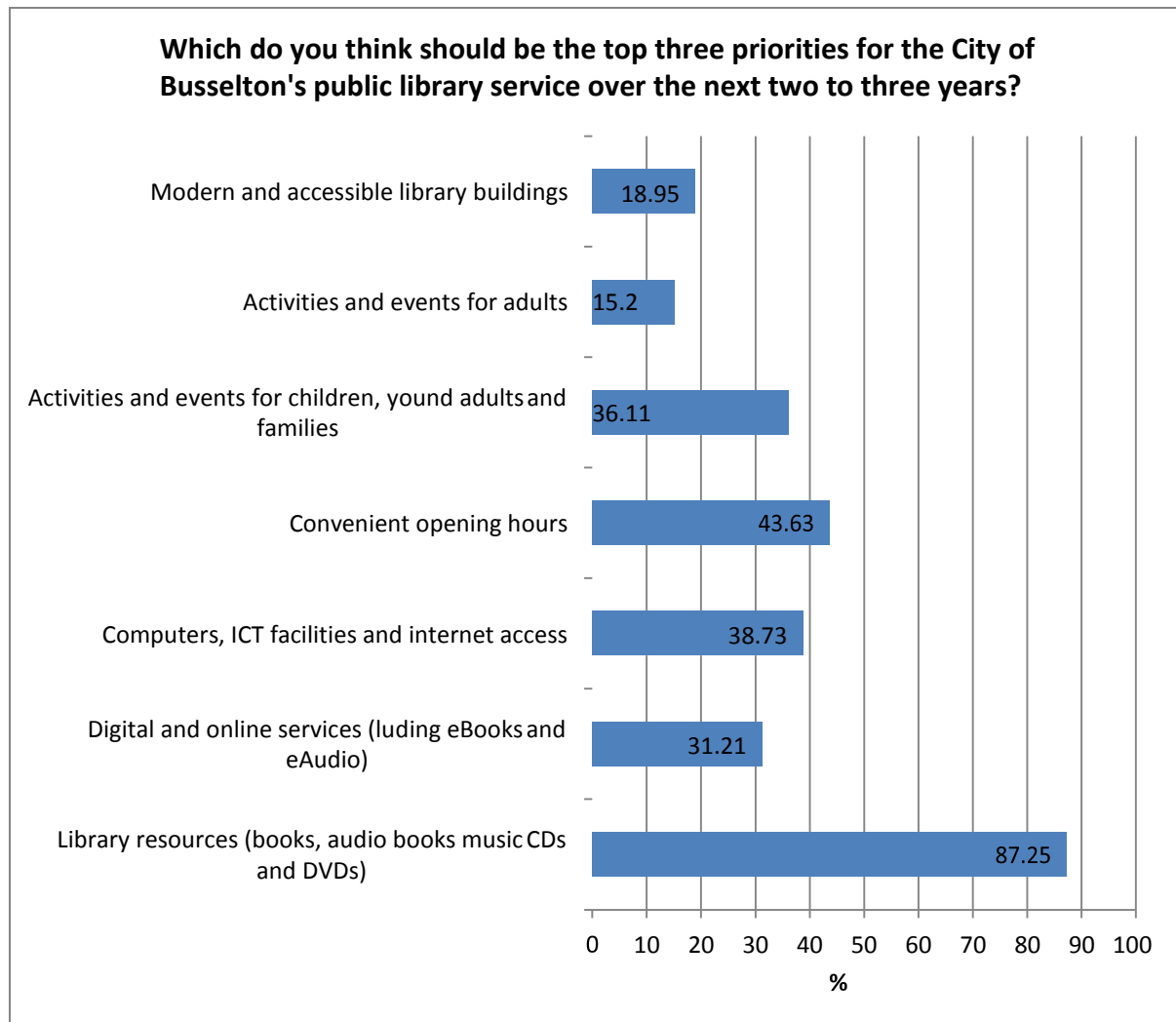


Whilst over 90% of respondents indicated they are either very satisfied (exceeding their needs) or satisfied (no improvements needed) there were many comments in response to question 9 which asked “what (if anything) would make the library and its services even better?” about longer hours, insufficient room, more computers and noise particularly in Dunsborough.

The following section describes in more detail the current facilities and the need to plan for future expansions of them both to, in particular, provide quiet study areas and more space as the relationship with libraries becomes less transactional and more of a place to stay for a while. This trend is evidenced by the response to question 14 in the graph below. **Most people, 55.54%, would like library buildings to also be used as community meeting places, for community groups, exhibitions or other activities. However, in a close second place 43.97% don't want to see library services change at all.**



In terms of priorities for the next two to three years most respondents selected library resources 87%. Once more stressing the importance of a broad range of physical resources, convenient opening hours and almost tied in third place are the technological services in computers, ICT facilities and internet access and activities and events for children, young adults and families



4.0 Library facilities

The City has two libraries Busselton and Dunsborough.

Busselton is a district facility that was extended in 2012, from 700m² to 950m². The 250m² extension allowed the library to provide a quieter study/work zone away from the children's area, additional seating and more public access computers. The library is located in the CBD near the Busselton Central Shopping complex, post office and car parks. A Community Resource Centre (CRC) was built at the same time as the library expansion in 2012. The CRC houses local history groups who largely resource the City's Local History Study services and leased areas to community groups such as the Busselton and Dunsborough Volunteer Centre and the Active Foundation. The CRC also has meeting rooms available to hire which are managed by the City.

Although increased public space was created in 2012, the back office work room space has not remaining congested and impractical as the scale of transactions increase. The extension allowed the separation of the children's area to be somewhat distanced from the quieter library areas but the problem of noise still comes up and is a common comment in the library survey results discussed in an earlier section.

4.1 Busselton Library



4.2 Dunsborough Library

Dunsborough has a local library in approximately 250m² of the Naturaliste Community Centre (NCC). The NCC also houses offices for the Department of Child Protection and Child Health and there is a community run toy library and meeting room used weekly by a local Justice of the Peace. The NCC runs its own fitness programs including group instructed classes, seniors programs, soccer and basketball and the multipurpose rooms and stadium are hired by users who provide a wide range of programs

such as yoga, seniors table tennis, dance and kindy gym.

Dunsborough library experiences growing congestion for space in particular for events, study and use of the public PCs. Noise transfer is a problem in such a small area. The introduction of Wi-Fi has helped reduce some of this issue by allowing those with their own device to work in the generous NCC foyer and outdoor space, however the increasing need to access services such as government, on-line study and other on-line applications with printing dependencies will require a suitable expansion of the facility to cater for the growth in these services into the future.

4.3 Benchmarking to facility standards

In August 2012 the Western Australian Branch of Parks and Leisure Australia released guidelines for the standard provision of community infrastructure. This model is based on the categories of Regional, District and Neighbourhood. The general catchments for each category are:

- Neighbourhood facility – 1: <5,000 people
- District facility – 1: 5,001 – 49,999 people
- Regional facility – 1: 50,000 – 250,000 people

The Parks and Leisure WA recommended guidelines for library infrastructure recommend:

<u>Facility</u>	<u>Guideline</u>
• Regional library in excess of 1,500m ²	1:30,000 – 150:000
• District library Gross Floor Area approx. 1,000m ²	1:15,000 – 30,000
• Neighbourhood library Gross Floor Area approx. 500m ²	1:6,000 – 15,000

The State Planning Policy 3.6 – Local Government Guidelines more loosely recommend a district/sub district library for every 1:15,000 – 20,000 people.

Whilst there are no specific sizing guidelines for WA the State Library of New South Wales (NSW) has an industry respected “Guide for Public Library Buildings in New South Wales – People Places.” The guide contains both service based benchmarks and population based benchmark calculations which are easier to apply in the currently rapidly changing environment for library services. The population based benchmark uses a Local Area Factor (LAF) which is the projected local resident and non resident workforce served, divided by 1000 multiplied by the Building Area Factor shown in the table below, plus a Central Area Factor (CAF) which is 15% of the product of the projected LGA or regional population divided by 1000 and multiplied i.e.

$$\text{GFA} = (\text{LAF} + \text{CAF}) \times 1.2$$

Projected Population Served	Net Building Area Factor per 1000 population
Less than 10,000*	42 sq m
10,001 – 20,000	42 sq m
20,001 – 35,000	39 sq m
35,001 – 65,000	35 sq m
65,001 – 100,000	31 sq m
More than 100,000	28 sq m
* In communities where the projected population is less than 2,750 persons, use the recommended minimum size for a public library of 139 sq m gross. In communities where the population is declining use the existing population served.	

Therefore a branch/neighbourhood library such as Dunsborough with a projected catchment of 10,000 people by 2025 would be:

$$\begin{aligned}
 &[(10,000/1000 \times 42) + (\text{no central area factor})] \times 1.2 \\
 &= (10 \times 42) \times 1.2 \\
 &= 420 \times 1.2 \\
 &= 504 \text{ m}^2
 \end{aligned}$$

On the basis of the planning guidelines detailed above, and the population forecasts for Dunsborough and surrounds (currently 250 m²) and Busselton (currently 950 m²) both libraries should be doubled in size. Dunsborough will need to expand within the next 10 years as it is already insufficient to service the existing catchment and Busselton within the next 10 to 20 years. The feasibility of expansion on both sites will need to be explored including the ability to expand Dunsborough library further in 25 to 35 years time as the population approaches the 20,000 forecast.

Busselton library was constructed to provide for a second storey at its existing location. Consideration should also be given to connect the library to the CRC. This would create opportunities for better use of space, removal of duplicate facilities such as ablutions and kitchens and greater activation and cross population of services.

Another branch/neighbourhood library should be considered when planning for the significant Ambergate North population growth.

5.0 Strategic alignment

5.1 Vision 2025 and Framework for Strategic Action for Public Libraries Western Australia

Vision 2025 provides Western Australian libraries with a Framework for Strategic Action to Build Connection, *Creativity and Learning* within our communities by:

1. Building capacity and fostering community engagement
2. Promoting learning and literacy
3. Preserving, sharing and celebrating our rich heritage and
4. Inspiring new ideas and creativity.

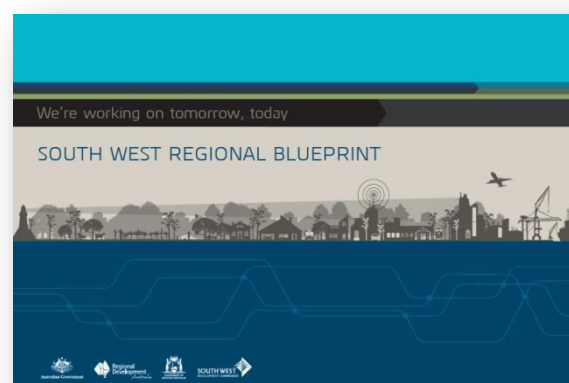


The City's Library Strategy supports the achievement of these goals at a local level by:

- Recognising the important role our libraries play in connection people with other people and services they need to access.
- Breaking down isolation and bringing people from diverse backgrounds in a safe welcoming place
- Provide opportunities for lifelong learning by the development of traditional and new digital literacies, access to knowledge and promoting the love of reading
- Preserving our rich heritage through our Local Histories Studies Services
- Building a creative community by providing opportunities that inspire new ideas and innovation

5.2 South West Regional Blueprint

The South West Regional Blueprint outlines 'Regional Imperatives,' required to support the successful growth of the South West Community. There are four themes: Infrastructure, Industry and Business, Community and People and Place. This library strategy particularly supports the imperatives of Community and People and Place by growing services and improving accessibility to opportunities for education and wellbeing by developing libraries further into places that are "vibrant, interesting and stimulating helping to ensure the region remains a region of choice." Libraries help support resilient and diverse communities and "build a sense of belonging, self worth and local decision making ability."



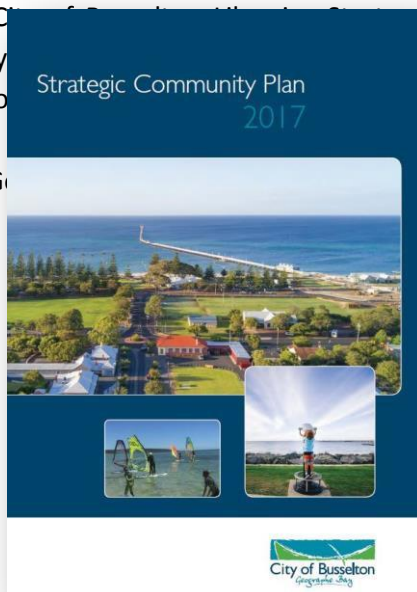
This library strategy also supports Blueprint priorities for:

- Active Aging through a focus on increased outreach services and the importance of the development of existing services such as home delivery.
- Health and Education by 'building human capacity, healthy minds' and increasing access to educational services such as on line study and information sources.
- Improved Regional Capacity and Engagement by collaborating with not for profit community organisations such as the Busselton Senior Citizens Centre and Busselton and Dunsborough Historical groups to deliver services.
- Volunteerism by recognising its importance and vitality in the continued delivery and development of library services.

5.3 City of Busselton Strategic Community Plan 2017

The City of Busselton Strategic Community Plan 2017 supports the City's vision for a City "where environment, lifestyle and community are at the heart of everything we do". Particular libraries contribute to achieving this vision by supporting the following key goals:

Key Goal Area 1 - People: Safe, inclusive, friendly and healthy.



- Public libraries are a hub of civic engagement, fostering new relationships and strengthening the human capital of the community.
- Our libraries are open to everyone and the services they deliver bring people together from all walks of life helping "to improve social connectedness and inclusion".
- Through collaboration with community groups and working with the City's Community Development Team, libraries "Host and facilitate events and programs that bring the community together."

By connecting people to information, knowledge and services our libraries are uniquely positioned to provide the community "with access to life-long health and education opportunities".

- Partnering with local educational facilities our libraries are ideally placed for "providing transitional learning opportunities".

Key Goal Area 2 - PLACE AND SPACES: Vibrant, attractive and affordable.

- Public Libraries are free public spaces where everyone is welcome and can participate.
- Attractive library buildings in central parkland settings encourage and facilitate "a City with pedestrian access, green spaces, shady trees, and high quality public amenities".

- By their locations and incorporation in and around other community and business services both now and into the future, libraries support the development of vibrant, pedestrian friendly central business districts and village centres.
- In the creative design of its physical and virtual spaces our public libraries define what make a great public space.

Key Goal Area 4 – ECONOMY: Diverse, robust and prosperous.

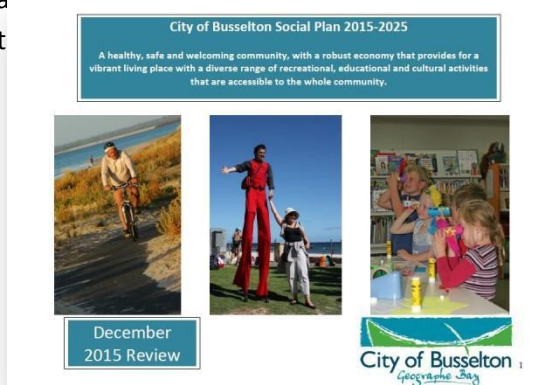
- Public libraries inspire learning and empower people of all ages. By making education, training and employment processes accessible to everyone, our libraries not only promote a better trained and educated workforce but have the capacity to drive opportunity and success in today's knowledge-based society.
- By fostering an inclusive, connected community with increased participation in lifelong learning, research and innovation, our public libraries provide an anchor for economic development.
- Through the provision of free universal public access to the internet and as an essential portal for eGovernment services, our libraries are uniquely positioned to help "improve digital and internet connectivity across the District".

Key Goal Area 6 – LEADERSHIP: Visionary, collaborative and accountable.

- Thriving library places, spaces and programs "Provide opportunities for the community to participate in decision making processes".
- As a member of the South West Libraries Consortia (SWLC), Public Libraries Western Australia (PLWA) and Libraries Australia, our libraries "Actively participate in regional, state and national alliances to return benefit to the community".
- By collaborating with other libraries and developing partnerships with other stakeholders in government, community services and the private sector, our libraries foster and enable communities and public libraries that thrive and succeed together.
- Our libraries "engage broadly and proactively with the community" through outreach services and programs such as Better Beginnings and Home Library Services.

5.4 Social Plan 2015-2025

Libraries play a key role in delivering many outcomes identified in the City's Social Plan with actions in Youth and Employment sectors including:



- Improved home care services for seniors by planning to return to a fortnightly home delivery library service,
- Increased local training and employment options and providing internet services to find and apply for opportunities.

- Learning opportunities for children and youth offered at the libraries.
- Helping children have the best start in life by the provision of the Better Beginnings program and school holiday programs.
- Collation and development of Aboriginal history and other cultures as part of the Libraries Local History Studies.
- Support business on the move by the provision of Wi-Fi.

6.0 The value of libraries

From the above it is clear that libraries play a vital role in building the capacity of a community by being open and accessible to all regardless of background or stage of life. They inspire and enrich lives, connect people, build literacy, learning and knowledge, preserve and share community history and support the local economy.

Libraries are valuable because they:

- Enrich lives – Libraries open doors and expand horizons by providing access to information, education and stories, dreams and visions of our past and for the future. The library open these doors to everyone from babies to elders, integrating literacy, learning and knowledge into daily life.
- Are inviting places - Our libraries bring people together to connect, share, inspire, educate and inform but they also provide tranquillity and a place for quiet reflection, study or escapism in today's busy world. Library services are not exclusive to members or contained in one place. Our services reach outside the physical buildings via Eservice, Wi-Fi, home delivery and Better Beginnings. Our services can come to you wherever you may be.
- Are easy to use –Our systems are fast, and easy to use and service is automated wherever possible for efficiency. Our staff are knowledgeable and helpful and have time for you.
- Share the love of reading – Our collections are fresh and interesting. Through innovation and collaboration we have what people need or provide the inspiration to try something new or different.

Our mission is "To create a literate and informed community by providing a responsive and inclusive library service to our growing population which will inspire and enrich lives regardless of social or economic backgrounds."

7.0 The Future

So what will libraries look like in the future?

The following statement represents the future vision for the City of Busselton’s library services:

Our libraries are community connectors transforming lives through inspiring and enabling learning, innovation, literacy, creativity and change.

Our goals to achieve this vision are:

Goal 1 – Establish the library as a connection point for our communities. Goal 2 - Inspire passion for reading, personal growth and learning

Goal 3 – Provide spaces for learning, work, play, knowledge exchange and relaxation Goal 4 – Develop collections and services and the skills to deliver them



7.1 Strategies

The following details the strategies which will achieve our vision and goals

Goal 1 – Establish the library as a connection point for our communities.

Strategies	Potential Long Term Financial Plan Considerations	Timeframe to Implement
Collaboration and partnerships to reach a broader audience and demographic	None use existing resources	Short term
Leverage current assets to integrate and increase services available at NCC	Costs to establish a central service area and expand library space out into existing areas	Within next 5 years
Outreach services, for people with mobility constraints and new communities	Vehicle and staff resources for services to Vasse and Provenance	5 years +
Support older persons to access digital content at the library and from home	Existing resources and grant funding	Short term
	Growth of casual resource budget in line with customer growth	2 years +
Connect our most vulnerable community members with information and services	Growth of casual resource budget in line with customer growth	2 years +
Develop programs, services and spaces shaped by young people for young people	None use existing resources	Short term
Welcome immigrants and refugees	None use existing resources	Short term
Develop services and increase opening hours particularly at weekends so that libraries are open when people are able to visit.	0.4 FTE	Short term
Implement a One Card membership system with the South West Library Consortia	Shared Consortia System Administrator. Full or Partial offset opportunity exists by increasing Consortia members which will reduce License Fees	Short term



Goal 2 - Inspire passion for reading, personal growth and learning

Strategies	Potential Long Term Financial Plan Considerations	Timeframe to Implement
Match community interest and inspire the joy of reading and continual learning	None use existing resources	Short term
Libraries to expo new reads, hobbies, innovations and learning opportunities	None use existing resources	Short term
Establish new ways to engage new residents, parents, young people, professionals and enterprises to try library services	None use existing resources	Short term
Provide more ways for people to join the conversations about books and culture through clubs, blogs, online reviews and other social media platforms	None use existing resources	Short term
Expansion of Eservices, Wi-Fi and development of the website and social media engagement tools to provide more entry points into the libraries services	None use existing resources	Short term
Develop the Local History Studies Service to capture our culture and stories of significance from the past and as we move forward	0.2 FTE	Short term



Goal 3 – Provide spaces for learning, work, play, social interaction and relaxation

Strategies	Potential Long Term Financial Plan Considerations	Timeframe to Implement
Consider expansion of or a purpose built new library and service development for Dunsborough to cater for growth, separate the needs of children, from those of study, work, research and relaxation.	Design and construction costs. Additional resourcing to be forecast in Workforce Plan	5 years +
Review design of Busselton Library to assess the opportunity to create expansion space for staff, a dedicated work/study lounge and children's areas.	Design and construction costs. Additional resourcing to be forecast in Workforce Plan	5 years +
Make greater use of surrounding outdoor space around both libraries	Current capital budget	Short term
Investigate options for future library services in Vasse, Yalyalup and Ambergate North	To be identified through planning	10 years +
Develop further and implement Asset Management Plans to ensure library buildings and their furnishings and equipment are well maintained, safe and inviting	To be identified through planning	Short term



Goal 4 – Responsive services and the resources to deliver them

Strategies	Potential Long Term Financial Plan Considerations	Timeframe to Implement
Replace outdated and inefficient processes with new LMS	None use existing resources	Short term
Develop and implement a workforce plan to fill skill and resource gaps	None use existing resources to develop plan	Short term
Attract young people to the profession	None use existing resources	Short term
Develop volunteer attraction/retention plan supporting active aging	None use existing resources	Short term
Explore outsourcing to overcome skill gaps for specific service delivery	To be identified through workforce planning	5 years +
Investigate chargeable services and commercial opportunities	Revenue opportunities to be identified	Short term
Continue to automate manual processes as new technologies allow	None use existing resources	Short term
Review IT infrastructure and develop an IT strategy which considers the need to be responsive to technological change, mobile work/ study, a shift to tablets, hand helds, self-serve, the new LMS capabilities and Wi-Fi	To be identified through strategy development	Short term

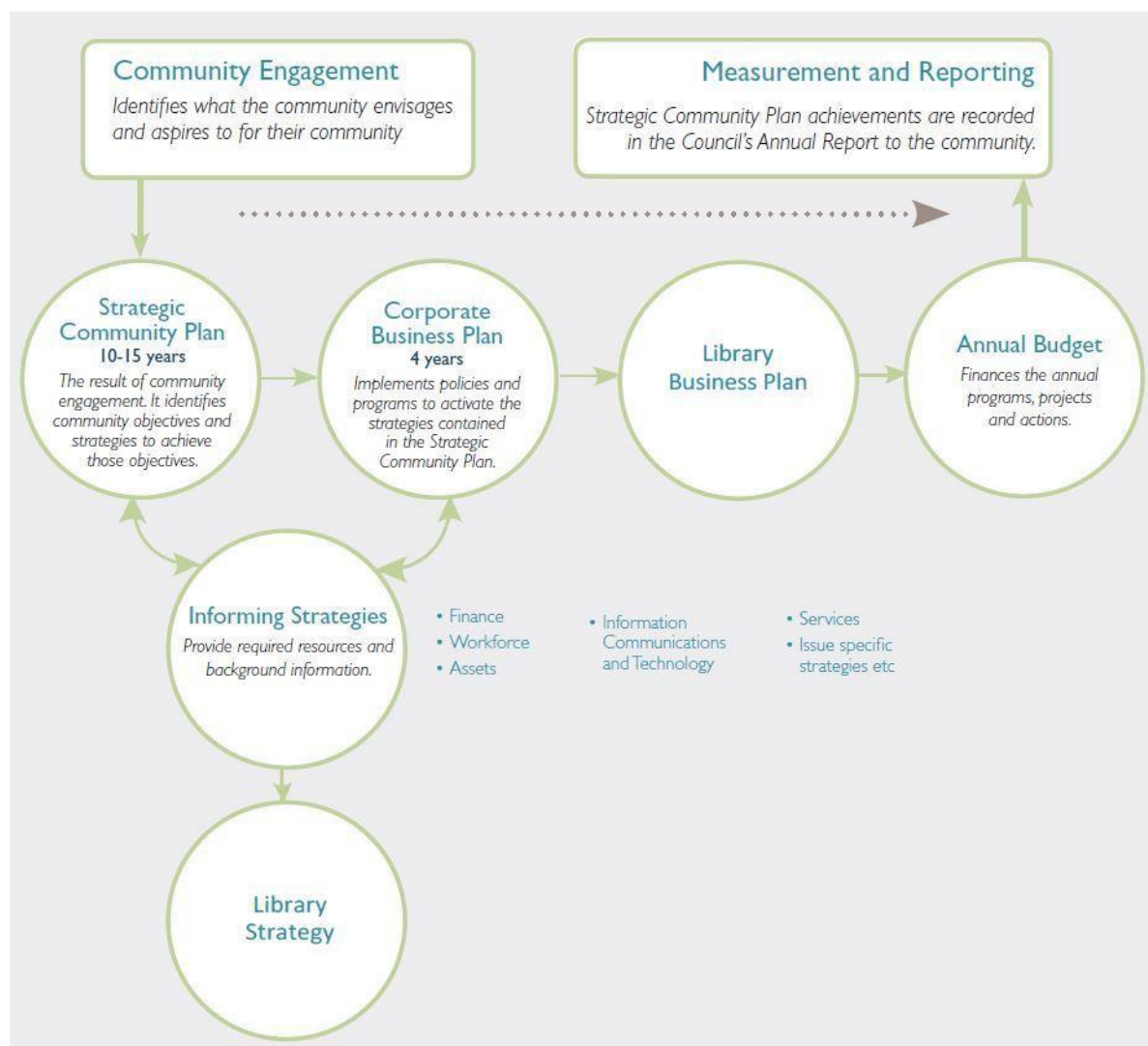


8.0 Implementation

The diagram pictured right depicts the Library Strategy in the context of our integrated planning and reporting framework. The library strategy will inform other strategies such as the Long Term Financial Plan, Workforce Plan, Asset Management Plans and IT Strategy. These Strategies inform and are informed by the Strategic Community Plan.

The Strategic Community Plan identifies priorities for the organisation as a whole which are in turn translated into services and projects in the Corporate Business Plan. The Libraries Business Plan provides in more detail the actions, services and resources that determine along with other organisational priorities the annual budget.

Strategic Community Plan achievements are recorded and reported back to the community in the Council's annual report



9.0 Measurement

The implementation of this strategy will be measured by achievement of actions identified in the City's Corporate Business Plan and the following key performance indicators:

1. Growth in number of library visits – physical + virtual
2. Growth in number of library issues – print + eResource
3. Level of customer satisfaction rated in community feedback processes



14. CHIEF EXECUTIVE OFFICER'S REPORT

15.1 COUNCILLORS' INFORMATION BULLETIN

SUBJECT INDEX:	Councillors' Information
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Executive Services
ACTIVITY UNIT:	Governance Systems
REPORTING OFFICER:	Reporting Officers - Various
AUTHORISING OFFICER:	Chief Executive Officer - Mike Archer
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Planning Applications received by the City between 1 August, 2017 and 15 August, 2017 ⇒
	Attachment B Planning Applications determined by the City between 1 August, 2017 and 15 August, 2017 ⇒
	Attachment C Current Status of State Administrative Tribunal Appeals ⇒
	Attachment D Local Planning Scheme No. 21 - Amendment 1 ⇒
	Attachment E Local Planning Scheme No. 21 - Amendment 22 ⇒
	Attachment F CapeROC Minutes - 18 August 2017 ⇒

PRÉCIS

This report provides an overview of a range of information that is considered appropriate to be formally presented to the Council for its receipt and noting. The information is provided in order to ensure that each Councillor, and the Council, is being kept fully informed, while also acknowledging that these are matters that will also be of interest to the community.

Any matter that is raised in this report as a result of incoming correspondence is to be dealt with as normal business correspondence, but is presented in this bulletin for the information of the Council and the community.

INFORMATION BULLETIN

15.1.1 Planning & Development Services Statistics

Attachment A is a report detailing all Planning Applications received by the City between 1 August, 2017 and 15 August, 2017. 56 formal applications were received during this period.

Attachment B is a report detailing all Planning Applications determined by the City between 1 August, 2017 and 15 August, 2017. A total of 33 applications (including subdivision referrals) were determined by the City during this period with 33 approved / supported and 0 refused / not supported.

Attachment C is a list showing the current status of State Administrative Tribunal Appeals involving the City of Busselton as at 24 August, 2017.

15.1.2 State Administrative Tribunal Appeals

Attachment C is a list showing the current status of State Administrative Tribunal Appeals involving the City of Busselton as at 24 August, 2017.

Scheme Amendments

15.1.3 Scheme Amendment No.1

Attachment D

The Scheme Amendment was published in the Western Australian Government Gazette on the 4 August, 2017.

The purpose of this amendment is to amend the Scheme Text and Scheme Maps as outlined in the amendment.

15.1.4 Scheme Amendment No.22

Attachment E

The Minister for Planning and Infrastructure has refused to grant final approval to the above Scheme Amendment for the following reasons:

- 1. The proposed increase in residential density proposed by the amendment is ad hoc and not supported by the current strategic planning framework for the locality. In particular, the City's draft Local Planning Strategy identifies the subject land outside the urban consolidation area and where increases in density are considered inconsistent with the urban consolidation criteria outlined in the Strategy;*
- 2. The proposed site specific increase in density pre-empts the Local Planning Strategy's required strategic planning investigation into 'broad scale up-coding' of residential densities.*
- 3. It has not been demonstrated that the proposed increase in density will not impact adversely upon the character and amenity of the Quindalup Special Character Area, or that this site specific recoding will not establish an undesirable precedent for further amendments, resulting in a cumulative impact upon the area.*
- 4. The increase in density and the resultant potential to double the dwelling yield on the site is considered inconsistent and incompatible with protecting the site's vegetation/Western Ringtail Possum habitat.*
- 5. The amendment has not addressed coastal hazard risk management and if any adaptation planning measures would be required to be implemented as specified in State Planning Policy No.2.6 – State Coastal Planning Policy (2003).*

15.1.5 CapeROC Minutes 18 August 2017

Attachment D is the CapeROC minutes for the meeting held on 18 August 2017.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1709/219

Moved Councillor J McCallum, seconded Councillor P Carter

That the items from the Councillors' Information Bulletin be noted:

- 15.1.1 Planning & Development Services Statistics
- 15.1.2 State Administrative Tribunal Appeals
- 15.1.3 Scheme Amendment No.1
- 15.1.4 Scheme Amendment No.22
- 15.1.5 CapeROC Minutes 18 August 2017

CARRIED 9/0

EN BLOC

15. FINANCE AND CORPORATE SERVICES REPORT

Nil

10. COMMITTEE REPORT

10.6 Policy and Legislation Committee - 17/08/2017 - REVIEW OF POLICY 001 - FEES, ALLOWANCES AND EXPENSES FOR ELECTED MEMBERS

SUBJECT INDEX:	Councillor
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	Council & Councillor Service
REPORTING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Revised Policy 001 - Fees, Allowances and Expenses for Elected Members⇒ Attachment B Revised Policy 001 – Fees, Allowances and Expenses for Elected Members - Tracked Changes⇒

This item was considered by the Policy and Legislation Committee at its meeting on 17 August 2017, the recommendations from which have been included in this report.

PRÉCIS

It is appropriate to review Policy 001 – Fees, Allowances and Expenses for Elected Members so that it reflects current practice.

BACKGROUND

As part of the regular review of Council Policies, it is apparent that there is a need to review Council Policy 001 - Fees, Allowances and Expenses for Elected Members so that it reflects current and appropriate practice.

The issue of ‘Corporate Attire’ has been informally discussed by Councillors at a Budget briefing held on 31 May 2017 and more recently at an elected members briefing held on Wednesday 26 July 2017. The subject of mileage claims has also been discussed at an Elected Member briefing held on 7 June 2017. The content of this discussion was detailed in an email to all Councillors dated 9 June 2017. The policy has been amended based on all of these discussions.

The changes referred to above and considered by Councillors are now reflected in the proposed new policy. In addition, minor other changes to the policy are proposed and are reflected in the Policy at Attachment B. Further details of the changes proposed are contained in the “Comment” section of this report.

STATUTORY ENVIRONMENT

In accordance with Section 2.7(2)(b) of the Local Government Act 1995 it is the role of the Council to determine the Local Government’s policies.

RELEVANT PLANS AND POLICIES

This report recommends that Policy 001 - Fees, Allowances and Expenses for Elected Members be updated to take into account informal discussions held at a recent Budget Meeting, Elected Member briefing session and changes to reflect current practice.

FINANCIAL IMPLICATIONS

There are only minor financial implications associated with the changes proposed to the Policy.

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

The Strategic Community Plan includes the community objective of having an effectively managed organisation that achieves positive outcomes for the community. One of the key ways for this to occur is to provide financial recognition of the extensive responsibilities performed by Elected Members.

RISK ASSESSMENT

Not required for this policy review.

CONSULTATION

The major changes to this Policy have previously been discussed with Councillors at informal meetings.

OFFICER COMMENT

As part of the regular review of Council Policies it has been recognised that there is a need to review Policy 001 - Fees, Allowances and Expenses for Elected members in the following areas to reflect current and appropriate practice.

- Clause 3.1.1 – provision of equipment

This clause has been changed by the inclusion of a brief case / satchel for use by elected members.

- Clause 3.1.5 - Reimbursement of travel expenses

Numerous changes have been made to reflect discussions held at an Elected Members briefing session held on 7 June 2107. The changes made reflect an appropriate and balanced approach to mileage claims and detail the circumstances under which elected members may make claims for reimbursement of costs incurred whilst representing the City on Council business.

- 3.1.7.2 Corporate attire

The Policy has been amended by the inclusion of what is meant by the expression “Corporate attire” and was the subject of discussions held at the Budget Workshop held on 31 May 2107. The basic premise is that elected members should first acquire ‘Corporate attire’ as described and any balance of funds available may be used for purchase of additional ‘business attire’.

The annual amount has been reduced (from \$1,000pa) but the allowance for the brief case / satchel has been moved to clause 3.1.1 of the Policy referred to above.

Minor other changes have been made to the Policy and these are identified by reference to the 'tracked changes' version of the Policy shown at Attachment B.

CONCLUSION

The policy is presented for updating, noting that an Absolute Majority is required as this Policy as it includes reference to the annual allowance paid to the Mayor and the percentage of the Mayor's allowance to which the Deputy Mayor will be entitled. However no changes are proposed to be made to these particular Policy provisions. The actual amount of the Mayors allowance (and therefore the Deputy Mayors allowance) is considered by Council when the annual budget is adopted.

The majority of the changes have been discussed with elected members on a number of occasions in recent months.

OPTIONS

Changes to the proposed Policy can be considered and modified, however, the budget has been developed in accordance with the allowances described, taking into account the cost of clothing and travel reimbursement.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The new policy adopted will be effective immediately.

OFFICER RECOMMENDATION

That the revised Council Policy 001 - Fees, Allowances and Expenses for Elected Members as shown in Attachment A be adopted.

COUNCIL DECISION AND COMMITTEE RECOMMENDATION

C1709/220 Moved Councillor C Tarbotton, seconded Councillor T Best

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council:

1. Adopt the revised Council Policy 001 - Fees, Allowances and Expenses for Elected Members as shown in Attachment A which excludes proposed changes to clause 3.1.7.2 Corporate Attire; and
2. Consider a further report relating to clause 3.1.7.2 Corporate Attire at a future meeting.

CARRIED 9/0

Attachment A

Last updated 13/09/2017

001	Fees, Allowances and Expenses for Elected Members	V9 Current
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1. PURPOSE

In accordance with Division 8 of Part 5 of the *Local Government Act 1995* elected members are entitled to receive a fee for meeting attendance, be reimbursed for expenses and/or be paid an allowance for certain types of expenses. Certain payments are an automatic entitlement in accordance with the Act, while others require specific local government approval. The Fees, Allowances and Expenses for Elected Members policy provides the approval framework under which all fees, allowances and reimbursements to elected members will be made.

2. SCOPE

"Elected member" - Any person who holds the office of Councillor on the Council of the City of Busselton, including the Mayor and Deputy Mayor;

"Schedule" – Information describing the current Local Government Band Allocation and fees and allowances established within that Band in accordance with any *Local Government Elected Council Members Determination* under the *Salaries and Allowances Act 1975*.

The Fees, Allowances and Expenses for Elected Members policy is to apply to the purchase of all local government-owned equipment for the specific and individual use of an elected member, the reimbursement of any expenses incurred by an elected member in the performance of their functions and duties, and fees and allowances provided to all elected members.

This policy provides the approval framework to enable the provision of equipment and certain payments to be made to elected members to enable them to carry out their role as an elected member effectively. All matters approved in this policy are in accordance with the relevant legislation and determinations, being the *Local Government Act 1995* and *Local Government Elected Council Members Determinations* in accordance with the *Salaries and Allowances Act 1975*.

All allowances in relation to elected members are reviewed annually by the City and become effective following adoption of the annual budget.

3. POLICY CONTENT**3.1 Elected members****3.1.1 Provision of equipment**

Without limiting the application of any other clause in this policy, the local government will provide to elected members of the City of Busselton access to resources to enable them to carry out their duties efficiently and effectively. In accordance with Section 3.1 of the *Local Government Act 1995*, in order to provide for the good government of persons in the District, any newly elected member will have the opportunity to be furnished with the following equipment:

- A brief case up to the value of \$150;
- A standard-issue mobile telephone;
- A standard issue mobile device that will be upgraded from time to time, inclusive of standard equipment associated with the day-to-day use of the device.

Any equipment provided in accordance with this policy can be retained by the elected member at the completion of their term of office or if they serve a minimum of 24 months as an elected member.

Last updated 13/09/2017

3.1.2 Meeting attendance fees

An elected member is entitled to receive an annual fee for attending Council and Committee meetings in accordance with the *Local Government Act 1995*. This payment is in lieu of any entitlement established for a fee per meeting under that Act.

The annual fee will be established during the annual budget process within the Band established in the relevant *Local Government Elected Council Members Determination*.

The annual meeting attendance fee is full and final satisfaction of an elected member's meeting entitlements and no other claims can be made for attendance at meetings, with the exception that an elected member's expenses incurred for travelling to and from the meeting can be reimbursed in accordance with clause 3.1.5 of this policy or childcare expenses incurred can be reimbursed in accordance with clause 3.1.4 of this policy.

Meeting attendance fees will be paid monthly or quarterly in arrears. The fee will be calculated on a pro-rata basis for any elected member who commences or ceases office during the month or quarter. Upon commencement of office, elected members, for the purposes of budget development, will be requested to indicate whether it is their intention to claim meeting attendance fees and their preferred payment method. Nothing in the relevant legislation or this policy prevents an elected member from changing their intention at any time.

3.1.3 Information and Communications Technology allowance

In accordance with the relevant *Local Government Elected Council Members Determination*, all elected members are eligible to claim an annual information and communications technology allowance the amount of which will be included in the Schedule.

This allowance is to cover an elected member's costs in relation to expenses that relate to information and communications technology, for example telephone rental and call charges and internet service provider fees and that are a kind of expense prescribed by regulation 32(1) of the *Local Government (Administration) Regulations 1996*.

The information and communications technology allowance will be paid monthly or quarterly in arrears. The allowance will be calculated on a pro-rata basis for any elected member who commences or ceases office during the month or quarter. Upon commencement of office, elected members, for the purposes of budget development, will be requested to indicate whether it is their intention to claim the information and communications technology allowance and their preferred payment method. Nothing in the relevant legislation or this policy prevents an elected member from changing their intention at any time.

3.1.4 Reimbursement of childcare expenses

In accordance with the *Local Government Act 1995* an elected member who incurs childcare expenses due to their attendance at a Council meeting or a meeting of a formally constituted Council Committee of which they are a member is entitled to be reimbursed. The extent to which the childcare expenses incurred will be reimbursed will be in accordance with the relevant *Local Government Elected Council Members Determination*. For the purposes of this section, the number of hours claimed shall be limited to the actual length of the meeting, with a nominal time allowance for partaking in refreshments and travel to and from the place of care.

Last updated 13/09/2017

3.1.5 Reimbursement of travel expenses

In accordance with the *Local Government Act 1995* an elected member who incurs expenses to travel to a Council meeting or a meeting of a formally constituted Council Committee of which they are a member is entitled to be reimbursed. Elected members can also be reimbursed for other types of travel in accordance with Regulation 32 of the *Local Government (Administration) Regulations 1996*. The extent to which travel expenses can be reimbursed is in accordance with the State Salaries and Allowances Tribunal. The following list represents the meetings and events at which the attendance of an elected member is required for which the elected member will be able to claim reimbursement in accordance with the State Salaries and Allowances Tribunal for incurring travel expenses.

- Council meetings - ordinary and special;
- Committee meetings of a formally constituted Council committee of which they are a member or a deputy member acting in the capacity of a member;
- Electors' meetings - annual and special;
- Civic receptions hosted by the City of Busselton;
- Visits by Ministers of the Crown or other distinguished visitors of similar status;
- City organised inspection tours of matters arising before the Council or as a JDAP member;
- Any City-convened meeting by the Mayor or CEO requiring elected member attendance, including briefing sessions, workshops and other forums;
- Elected member training courses;
- City organised meetings with ratepayers;
- Attendance at "Flagship" functions and events held within the boundaries of the City and as determined by the Mayor and CEO at the commencement of each calendar year or as determined during the year*;
- Where the Mayor is unable to attend a function or event and has requested another elected member to attend on his behalf;
- Seminars and conferences attended in the capacity of an elected member as approved by the City in accordance with Policy 08 "Councillors Induction, Training and Professional Development";
- Meetings of community groups or other external organisations of which the elected member has been appointed the Council's representative / delegate by Council resolution (except where the other body pays the elected member for meeting attendance and/or travel eg ministerial appointment to State Advisory Boards).

*Flagship events and functions will be published in the Friday factsheet or will be the subject of a specific invitation sent by the City's administration.

Where large distances are involved and when practicable a City-owned motor vehicle should be used in the first instance.

The reimbursement will be made available to the elected member on the receipt of a certified claim form and in accordance with the rates determined by the State Salaries and Allowances Tribunal. Elected members are encouraged to use a City-owned motor vehicle (subject to availability) for the types of travel approved under this section

Subject to the approval of the Chief Executive Officer or delegate, the elected member is entitled to use the City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use does not go beyond use of a minor incidental nature. Where a City vehicle is utilised, the travel reimbursement or travel allowance cannot be claimed.

3.1.6 Reimbursement of expenses while away from home on sanctioned activities

Expenses incurred for conferences, training, seminars and similar occasions requiring an elected member to stay overnight away from their place of residence will be reimbursed to the elected member or paid directly by the City in accordance with the following guidelines.

Last updated 13/09/2017

Air travel and accommodation will be arranged and paid for by the City in consultation with the elected member and the key considerations will be cost effectiveness and for accommodation also proximity to the location at which the conference, training, seminar or similar occasion is being held.

While staying in the accommodation provided by the City for the purpose of enabling attendance at the approved conference, training or seminar, the expenses to be met by the City will be:

Expenses and Restrictions	Elected Member	Spouse
Laundry > 2 nights	Y	Y
Taxi fares or other public transport - only where these directly relate to the activity and no other transport is provided	Y	Y when with Member
Daily sustenance per day allowance in accordance with the <i>Public Service Award 1992</i>	Y	N
Specific conference related dinners/meals	Y	Y

3.1.7 Reimbursement of other expenses

3.1.7.1 Reimbursement of hospitality expenses

Elected members may seek reimbursement of the reasonable costs of beverages or snack items provided during any meeting or networking opportunity that relates to City activities, subject to the provision of receipts.

3.1.7.2 Corporate attire allowance

Corporate attire reimbursement

Each elected member is eligible to claim up to \$1,000 reimbursement for the purchase of corporate attire, which may include a brief case or travel case. Payment will be made on the production of receipts for clothing, shoes or a case, but will be limited to \$500 for the period November to April and a further \$500 for the period May to October.

3.2 Mayor

3.2.1 Mayoral allowance

In addition to their entitlements as an elected member under Section 3.1 of this policy, the Mayor is eligible for a Mayoral allowance in accordance with the *Local Government Act 1995*. In accordance with the relevant *Local Government Elected Council Members Determination* the Mayor of the City of Busselton shall be paid an allowance within the Band established as set by Council when the annual budget is adopted, payable monthly or quarterly in arrears.

The allowance will be calculated on a pro-rata basis for any Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Mayoral allowance and their preferred payment method. Nothing in the relevant legislation or this policy prevents the Mayor from changing their intention at any time.

3.2.2 Provision of a Mayoral vehicle

The Mayor shall be provided with a City-owned motor vehicle for use in his or her official capacity. The Mayor is entitled to use the City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use does not go beyond use of a minor incidental nature. Nothing in this section prevents the vehicle from being utilised in accordance with City fleet guidelines by other elected members with the agreement of the Mayor or CEO.

Last updated 13/09/2017

The Mayor may also use the vehicle for private use for convenience or necessity on a cost recovery basis. Details of private use shall be recorded in a log book which shall be provided to the City on a quarterly basis.

The Mayor is permitted to use the vehicle for private use without further authorisation on the basis that the cost reimbursement is made to the City by agreement in one of the following ways:

- By deduction from the quarterly members allowance payment ;or
- An invoice be given to the Mayor for reimbursement.

The mileage rate would be calculated at the rate determined by the State Salaries and Allowances Tribunal for Local Government Elected Council Members.

Unless Council approves otherwise, the mayoral vehicle may only be used for private purposes for travel within the State of WA.

3.3 Deputy Mayor

3.3.1 Deputy Mayor's allowance

In addition to their entitlements as an elected member under Section 3.1 of this policy, the Deputy Mayor may be paid a Deputy Mayor's allowance in accordance with the *Local Government Act 1995*. In accordance with the relevant *Local Government Elected Council Members Determination* the Deputy Mayor can be paid up to 25% of the Mayoral allowance. The Deputy Mayor of the City of Busselton shall be paid the maximum percentage of the Mayoral allowance of 25%, payable monthly or quarterly in arrears.

The allowance will be calculated on a pro-rata basis for any Deputy Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Deputy Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Deputy Mayor's allowance and their preferred payment schedule. Nothing in the relevant legislation or this policy prevents the Deputy Mayor from changing their intention at any time.

Last updated 13/09/2017

4. APPLICATION OF THE POLICY

Any request for reimbursement in accordance with the relevant clauses of this policy must be accompanied by an original supplier receipt or other relevant documentation.

Policy Background

Policy Reference No. - 001

Owner Unit – Governance

Originator – Director of Finance and Corporate Services

Policy approved by – Council

Date Approved – 13 September

Review Frequency – As required

Related Documents –

Local Government Act 1995

Local Government Department Circular 9-2011

Local Government (Administration) Regulations 1996

Local Government Elected Council Members Determinations

Background/History - Initiated June 2008 to replace former policies:

054/1 - Councillors' Travelling Expenses;

055/1 - Attendance at Conferences, Training and Seminars;

193 - Communications Allowances - Councillors;

212/1 - Vehicle for Use by Shire President and Councillors;

226 - Laptop Computers - Councillors and Officers;

227 - Printer Consumables.

Last Policy Change

Council Resolution	Date	Information
C1709/220	13 September 2017	
C1612/156	14 December 2016	Adjustments of the Policy to reflect current practice and to allow the Mayor private use of vehicle. Version 9
C1608/200	10 August, 2016	Adjustments to state that fees and allowances to be determined in accordance with the relevant <i>Local Government Elected Council Members Determination</i> . Version 8

10.7 Policy and Legislation Committee - 17/08/2017 - REVIEW OF WORKING GROUPS

SUBJECT INDEX:	Council and Committee Meetings
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	Governance support
REPORTING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Nil

This item was considered by the Policy and Legislation Committee at its meeting on 17 August 2017, the recommendations from which have been included in this report.

PRÉCIS

This report proposes that the Council reviews whether or not to retain its non statutory Committees/Groups and determines whether it requires those Committees/Groups to continue in their present form or in a different form for the term of the next Council commencing in October 2017. This review includes the City's internal working groups and participation of Councillors on various external groups.

The practice of appointing Councillors to Standing working groups, internal groups and external organisations will necessarily be dealt with after the Council election to be held on Saturday, 21 October, 2017. Memberships of the various Committees and working groups will be determined at a Special Meeting of Council that is scheduled to occur on Monday, 23 October, 2017.

BACKGROUND

The Council over the years has formed many working Committees and working groups to assist with progressing various works and services through the development and implementation stages of many initiatives. In addition, Council is also represented on many local community committees and working groups principally to provide a link between Council and members of the organisation.

It is appropriate to review, on a regular basis, whether or not the Council and working groups are still performing the function originally designed to achieve and whether membership of the community groups is warranted.

This report recommends that Council reviews the need for a wide range of Working Groups to continue to exist and whether membership to external organisations is necessary.

The list of working groups and other organisations on which Councillors are currently represented together with brief comments on their need and status is as follows:

City-formed Groups	Proposed action
Administration Building Working Group The group assists the CEO and Project Manager with decisions relating to the building program and interior design for the new administration and civic centre.	Delete – Building completed – no longer required
Busselton Jetty Reference Group The reference group includes three Councillors, three members of the Busselton Jetty Inc and City officers for jetty-related discussions.	Retain – Reference Group performs important function and provides link to City's most important asset and local community group

Local Planning Strategies Reference Group A discussion forum for the development and review of local planning strategies following the implementation of the new town planning scheme.	Delete – This role and issues previously considered by this Group now replaced by discussion at Council briefing sessions
Waste Advisory Group The group participates in the development of strategies, both local and regional, for the future management of waste.	Retain – Advisory Group performs important function and with input to the Regional Waste Strategy
Waterways Improvement Reference Group The group assists with strategies relating to improvement of the Vasse River and other local waterways.	Retain – Projects in place need to be progressed
Marketing and Events Reference Group The group makes recommendations to Council on the allocation of marketing and events funding raised through the commercial differential rate.	Retain – Reference Group performs important function
Busselton Wetland Project Team The team provides guidance on the development of the Busselton Wetlands concept through education, promoting the international significance and conservation.	Delete – Has transitioned to a Friends Group with no Council appointed representative
Energy Working Group - Could be renamed as Sustainability and Energy Working Group The group considers the development and implementation of energy efficiency initiatives.	Retain – Working Group performs important function – recommend name change and new Terms of Reference incorporating broader scope could be considered at future meeting
Environmental Reference Group The group assists the development and implementation of the City's Environment Strategy and provides a forum for discussion of environmental issues.	Delete – now a wholly Community Reference Group – new status adopted by Council in April 2017 – C1704/073
Disability Access and Inclusion Plan Reference Group The group assists with the implementation of initiatives identified in the Disability Access and Inclusion Plan.	Retain – Reference Group performs important function
Performing Arts / Convention Centre Working Group The group is charged with the responsibility of developing a business case to demonstrate the feasibility and viability of a future Performing Arts / Convention Centre.	Retain – Committee performs important function – and will need to exist as project progresses.
Vasse Recreational Facilities Working Group This Group exists to assist with the development of recreational facilities at Vasse.	Retain – Working group meets regularly as facilities continue to be planned and developed
Local Emergency Management Committee	Retain - Committee performs important function
Ministerial appointments	
Yallingup Land Conservation District Committee (LCDC) The Councillor is appointed by the Minister to assist in Land Conservation initiatives in the Yallingup area.	Retain - Committee performs important function
Development Assessment Panel The Councillors are appointed by the Minister to the DAP which is charged with considering development applications above a certain value instead of the Council.	Retain - Committee performs statutory function
Lower Vasse Taskforce Committee – Geo Catchment	Retain – Committee performs important function

External Groups	
Busselton Senior Citizens' Centre Board The Councillor participates on the Board of Management established to run the Busselton Senior Citizens' Centre in accordance with Boards Constitution.	Retain – Committee performs important function
GeoCatch The Board implements priority natural resource management action in the Geographe catchment area.	Retain – Committee performs important function
Regional Roads Group - MRWWA The group exists to prioritise and resolve projects for the allocation of monies received by the RRG from State and Federal Government car-related taxes.	Retain – Committee performs important function
Citizens' Advice Bureau Offers an information and referral service that is free, confidential, impartial and community-based.	Delete – Board has resigned
Busselton and Sugito Sister Cities Association The incorporated association manages the Sister City relationship with Sugito, Japan and arranges adult and youth exchanges.	Retain – Committee performs important function
Port Geographe Community Consultation Forum The liaison group includes State Government representatives and local residents to discuss Port Geographe Harbor and Groyne issues	Delete – Forum no longer operational since Groyne works completed
South West Zone Local Government Association The association of 12 South West Local Governments that meets to consider WA Local Government Association initiatives.	Retain – Committee performs important function
Busselton Historical Society The society provides information on the history of the Busselton region to the public and runs the museum.	Retain – Committee performs important function
Rails to Trails Now called Wadandi Track Steering Committee The group consists of representatives from the City and Shire of Augusta-Margaret River to oversee the development of the master plan for the Wadandi Track.	Delete – The rail-trail from Busselton to Augusta has moved from the Planning phase and is now in the implementation phase and works are now subject to annual budget allocations.
Higher Education Forum – now known as CQU Advisory Group The group investigates opportunities for the provision of higher education facilities and programs in the City of Busselton.	Retain – particularly as CQU is now in 'Growth mode'
Naturaliste Roadwise Committee – now known as Roadwise Committee Formerly had the responsibility for Undertaking school leavers education program about the dangers of drink driving, advocated for the reduction of speed limits and provided roundabout education.	Retain under new name 'Roadwise Committee' which reviews Roadwise issues over whole City district.
Rural Clinical School The School has the explicit goal of attracting more doctors to regional, rural and remote practice.	Delete

<p>Sea Change Taskforce (now called Australian Coastal Councils' Association) and Peron-Naturaliste Partnership (PNP)</p> <p>The ACCA runs events and an annual conference to discuss issues of importance to coastal local governments. The objective of the PNP is to provide a regional mechanism to facilitate effective adaptation responses to climate change.</p>	<p>Retain – Committee performs important function. City represented by two Councillors and Director Planning & Development Services</p>
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Those Groups that are **not proposed to be re-established** in their present form are as follows:

- **Administration Building Working Group**
- **Local Planning Strategies Reference Group**
- **Busselton Wetland Project Team**
- **Environmental Reference Group**
- **Citizens' Advice Bureau**
- **Port Geographe Community Consultation Forum**
- **Rails to Trails - Steering Committee**
- **Naturaliste Roadwise Committee**
- **Rural Clinical School**

STATUTORY ENVIRONMENT

Under Section 5.8 of the *Local Government Act 1995* (LG Act), a local government, by absolute majority, may establish Committees of three or more persons to assist the Council, and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

Separately, Section 5.10 and 5.11A of the LG Act relates to the appointment of Committee members and Deputy Committee members. It is noted that these requirements will be dealt with at a separate meeting following the election.

Section 5.16 of the LG Act also applies, whereby a local government may delegate to a Committee any of its powers and duties, other than this power of delegation.

RELEVANT PLANS AND POLICIES

Appointing members of the Council to Committees is subject to the requirements of Council Policy 014 – *Convening the Council Following an Election*.

A Special Meeting of the Council will be convened on the Monday evening immediately following the ordinary election day. The proceedings will commence with the “Swearing In” ceremony for newly elected members who need to make a declaration. Once this has occurred, consideration of membership of the Council’s Committees and the appointment of Council delegates to other various groups can commence.

This report provides the opportunity for the Councillors who have participated in all of the Committees in the past two years to review their operation and make a decision as to whether the Committees should continue during the term of the next Council.

FINANCIAL IMPLICATIONS

Apart from minor representation costs, there are no financial implications associated with the proposal to review Committees and working groups.

STRATEGIC COMMUNITY OBJECTIVES

The practice of matters being considered by various Committees and working groups established by the Council contributes to Governance systems that deliver responsible, ethical and accountable decision-making.

RISK ASSESSMENT

Risk	Controls	Consequence	Likelihood	Risk Level
Committees consider matters outside of their scope or Committee members fail to recognise interests	Provision of advice and officer attendance at various Committee meetings	Minor	Possible	Medium

CONSULTATION

No external consultation required.

OFFICER COMMENT

The vast majority of Committees and Working Groups are recommended to continue intact or be merged to consolidate activities. There are however a number of Committees / Working Groups that are proposed not to continue or have a name change to reflect their present role. These are:

- **Administration Building Working Group**
- **Local Planning Strategies Reference Group**
- **Busselton Wetland Project Team**
- **Energy reference Group – could be renamed Sustainability & Energy Reference Group**
- **Environmental Reference Group**
- **Citizens' Advice Bureau**
- **Port Geographe Community Consultation Forum**
- **Rails to Trails - now called Wadandi Track Steering Committee**
- **Naturaliste Roadwise Committee – now called Roadwise Committee**
- **Rural Clinical School**

CONCLUSION

The Council is requested to assess the effectiveness of its Committee system over the past two years and to make a determination as to those Committees and working groups it requires to continue.

OPTIONS

The Council may determine that it does not require any or all of these Committees and working groups, with the exception of the Audit Committee, or may require changes to be made to any of the terms of reference.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Members will be appointed to any Committees that the Council establishes at a Special Meeting of Council scheduled for 19 October, 2015.

OFFICER RECOMMENDATION

That the Council:

1. Retains the following working/reference/advisory groups:

Busselton Jetty Reference Group
Waste Advisory Group
Waterways Improvement Reference Group
Marketing and Events Reference Group
Disability Access and Inclusion Plan Reference Group
Performing Arts / Convention Centre Working Group
Vasse Recreational Facilities Working Group

2. Endorses name changes to the following Committees /groups:

<u>Existing name</u>	<u>Proposed name</u>
Energy Working Group	Sustainability & Energy Working Group
Naturaliste Roadwise Committee	Roadwise Committee

3. Endorses the participation of Councillors on the following external Committees/ groups:

Busselton Senior Citizens' Centre Board
GeoCatch
Regional Roads Group
Busselton and Sugito Sister Cities Association
WALGA – SW Zone
Busselton Historical Society
CQU Advisory Group
Australian Coastal Councils' Association and Peron-Naturaliste Partnership (PNP)

4. Notes that the following Committees require the members nomination to be approved by the relevant Minister:

Yallingup Land Conservation District Committee (LCDC)
Development Assessment Panel
Lower Vasse Taskforce Committee Geo catchment

5. Notes that the following Committees / groups are no longer required:

Administration Building Working Group
Local Planning Strategies Reference Group
Busselton Wetland Project Team
Environmental Reference Group
Citizens' Advice Bureau
Port Geographe Community Consultation Forum
Rural Clinical School

COUNCIL DECISION AND COMMITTEE RECOMMENDATION

C1709/221

Moved Councillor P Carter, seconded Councillor G Bleechmore

ABSOLUTE MAJORITY DECISION REQUIRED

That the Council adopts the Officer Recommendation and in addition notes that the Higher Education Forum – now known as CQU Advisory Group is no longer required.

CARRIED 9/0

Note:

At the Policy & Legislation Committee and subsequently at the Agenda Briefing session, discussion occurred on a number of Committees not included in the report for review. This advice updates members on the status of these committees.

Western Ringtail Possum Working Group
Phoebe Abbey House Working Group

These Working parties are not affected by any review as they have been specifically created as Working Groups formed by the CEO in order to assist in the management and direction of activities associated with them. Interested Councillors are invited to attend the meetings and are not appointed by Council. As a consequence, Councillors who attend these meetings do not need to be 're-appointed' by Council as Council has not appointed them to the Working Groups.

Community Resource Centre Working Group
Economic Development Task Force
Busselton Margaret-River Airport Development Project Consultation Group

It is acknowledged that these Groups meet on a regular basis and continues to operate. Each of these Working Groups will be listed as one of those Groups whose membership will be reviewed at the Special Meeting of Council to be held on Monday 23rd October, 2017 following the election process.

16. CHIEF EXECUTIVE OFFICER'S REPORT

15.2 CapeROC- REVIEW OF THE TERMS OF REFERENCE

SUBJECT INDEX:

STRATEGIC OBJECTIVE: Governance systems, process and practices are responsible, ethical and transparent.

BUSINESS UNIT: Governance Services

ACTIVITY UNIT:

REPORTING OFFICER: Strategic Projects Officer - Tracey King

AUTHORISING OFFICER: Director, Finance and Corporate Services - Cliff Frewing

VOTING REQUIREMENT: Absolute Majority

ATTACHMENTS: Attachment A Terms of Reference - CapeROC reviewed 18 August 2017 ➡

PRÉCIS

The Terms of Reference (ToR) for CapeROC last updated 21 October 2013 were reviewed by the CapeROC Committee at its meeting 18 August 2017. The revised ToR are now required to be adopted by the individual Councils of the City of Busselton and the Shire of Augusta-Margaret River.

Council is requested to adopt the attached updated ToR.

BACKGROUND

The City of Busselton is currently undertaking a review of all ToR for Committees of Council. The current CapeROC ToR last reviewed and updated October 2013 were presented to the CapeROC committee at its 18 August 2017 meeting for review. CapeROC have revised and endorsed the ToR to be presented to each individual Council for adoption.

CAPEROC RECOMMENDATION TO COUNCIL

CAP1708/005 Moved Councillor F Haynes, seconded Councillor J McCallum

That CapeROC endorse the following changes to the Terms of Reference: (Attachment A)

STATUTORY ENVIRONMENT

The Capes Regional Organisation of Councils (CapeROC) is a voluntary committee of the City of Busselton and Shire of Augusta-Margaret River, formed to enhance the capacity of both local governments to deliver social, economic and environmental benefits to their communities and the Capes region. CapeROC, as a voluntary organisation of Councils, has no formal statutory authority under the Local Government Act 1995, and as such operates under a *Terms of Reference*, agreed to by each individual Council.

RELEVANT PLANS AND POLICIES

The ToR states:

10.0 Amendment to the Terms of Reference

This document may be altered at any time by the two Councils jointly passing a motion of their respective Councils on the recommendation of the CapeROC, or independently by joint decision of the two Councils.

FINANCIAL IMPLICATIONS

Each year, the Shire of Augusta Margaret River and the City of Busselton allocate up to \$50,000 of their respective budgets (up to \$100,000 in total) towards CapeROC approved regional economic development initiatives. The ToR provides the mechanism for projects that meet the stated objectives of the CapeROC Committee to be funded from this budget allocation.

STRATEGIC COMMUNITY OBJECTIVES

This report refers to the ToR that the CapeROC committee operates, so therefore aligns mostly to the City of Busselton *Key Goal Area 6.1 Governance systems, process and practices are responsible, ethical and transparent.*

The CapeROC committee has been formed to enhance the capacity of both the Shire of Augusta-Margaret River and the City of Busselton to deliver social, economic and environmental benefits to their communities in collaboration, in accordance with the Objectives agreed to within the ToR. These Objectives have broad relevance to several other key goal areas within the Strategic Community Plan including:

- 1.2 A community with access to life-long health and education opportunities;
- 1.3 A community with access to a range of cultural and art, social and recreational facilities and experiences;
- 2.1 Planning strategies that foster the development of healthy neighbourhoods that meet our needs as we grow;
- 3.2 Natural areas and habitats are cared for and enhanced for the enjoyment of current and future generations;
- 3.1 Development is managed sustainably and our environment valued;
- 4.1 An innovative and diversified economy that provides a variety of business and employment opportunities as well as consumer choice;
- 4.2 A community where local business is supported and in turn drives our economy;
- 4.3 Events and unique tourism experiences that attract visitors and investment;
- 5.2 Road networks that provide for a growing population and the safe movement of all users through the District.

RISK ASSESSMENT

An assessment of the potential risks of implementing the Officers recommendation was undertaken and as a result, no risks were rated as 'medium' or above were identified.

CONSULTATION

The ToR have been reviewed, updated and endorsed by CapeROC at its meeting 18 August 2017 with input from relevant staff of both local governments.

The Shire of Augusta-Margaret River will also consider adoption of the updated ToR. Both the City of Busselton and Shire of Augusta-Margaret River are requested to advise CapeROC of the outcome of this consideration prior to the next meeting to be held Thursday 23 November 2017.

OFFICER COMMENT

The CapeROC Committee ToR have recently have been reviewed and the following updates were unanimously endorsed by CapeROC to better reflect current administration and objectives of the Committee.

The following changes have been proposed

CAPEROCAPES REGION ORGANISATION OF COUNCILS (CAPEROC)

TERMS OF REFERENCE

~~* Proposed for re-establishment on 14 October, 2015.~~

Terms of Reference

1.0 Introduction

The Councils of the Shire of Augusta-Margaret River and the City of Busselton (the Councils) following a resolution of the respective Councils establish a Voluntary Regional Organisation of Councils (VROC) to be known as the *Capes Region Organisation of Councils (CapeROC)*.

The Councils jointly appoint to CapeROC those positions whose names appear in Section 4.0 below. Membership of CapeROC shall, unless otherwise specified, be for a term ceasing at the date of the Local Government election in the year the local government elections are held, after which time the Councils may appoint members for a further term.

The CapeROC shall act for and on behalf of the two Councils in accordance with provisions of the *Local Government Act 1995*, local laws and the policies of the respective Councils and this document.

2.0 Name

The name of the Voluntary Regional Organisation of Councils shall be the Capes Region Organisation of Councils (CapeROC).

3.0 Objectives

CapeROC seeks to enhance the capacity of both local governments to deliver social, economic and environmental benefits to their communities and the region.

The objectives of the CAPEROC are:

- To explore opportunities to foster Economic Development in the Capes Region;
- To explore avenues to foster tourism in the Capes Region and improve the coordination of major regional events;
- To safeguard, strengthen and grow the Margaret River and ~~Geographe-Busselton~~ brands;
- To explore opportunities to undertake projects of mutual benefit to the Shire and the City eg Rails to Trails network; joint waste management facilities; joint funding of infrastructure requirements;
- To develop opportunities to undertake capacity building activities for Councillors and staff in the Shire and the City;
- To explore opportunities to develop funding submissions on a regional basis;
- To evaluate possible resource sharing arrangements between the Shire and the City;
- To identify skill shortages and to undertake workforce planning on a regional basis;
- To explore opportunities to simplify and standardise policies in the region where appropriate;
- To consider the feasibility of establishing a Capes Regional Council.

4.0 Membership

The membership of the CapeROC shall be:

1. The President of the Shire of Augusta-Margaret River;
2. The Mayor of the City of Busselton;
3. Two Councillors appointed by the Shire and two Councillors appointed by the City;
4. The CEO of the Shire and the CEO of the City.

Deputy Members may be appointed by each Local Government.

5.0 Presiding Member

The role of Presiding member shall be rotated between the Shire and the City on an annual basis and the administration of the meetings will be conducted by the organisation from which the Presiding Member is appointed. The Deputy Presiding Member shall be appointed by the alternative organisation from the Presiding Member.

The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in a less formal manner than Council meetings but in accordance with the accepted rules of conduct for the Shire's and City's Council and committee meetings.

The Presiding Member must cast a second vote if the votes of the members present are equally divided.

The *Local Government Act 1995* places responsibility for speaking on behalf of the Councils with the President and Mayor, or the CEOs if the President and Mayor agree. Statements on behalf of the CapeROC shall be by joint communiqué by the President and Mayor.

The members of the CapeROC with the exception of the President and Mayor are to refrain from speaking publicly on behalf of the CapeROC, or to issue any form of written material purporting to speak on behalf of the CapeROC without the prior approval of the President and Mayor.

6.0 Meetings

The CapeROC shall meet on a quarterly basis or as required.

- 6.1 Notice of meetings shall be given to members at least 5 days prior to each meeting.
- 6.2 If any member is absent from 3 consecutive meetings without leave of the CapeROC, they shall forfeit their position on the CapeROC. The respective Council shall be informed, who will then appoint a replacement for the balance of the member's term of appointment.
- 6.3 The Presiding member shall ensure that detailed minutes of all meetings are kept and shall, not later than 5 days after each meeting, provide both Councils with a copy of such minutes.
- 6.4 All members of the Committee shall have one vote. If the votes of the members present are equally divided, the person presiding is to cast a second vote as is required under the Local Government Act.

7.0 Quorum

Quorum for a meeting shall be at least 50% of the number of offices, whether vacant or not. A decision of the CapeROC does not have effect unless it has been made by a simple majority.

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8.0 No Delegated Powers

The CapeROC ~~has no delegated powers and~~ is a facilitation, advocacy and advisory body established to assist both Councils to achieve greater effectiveness and efficiency. CapeROC is funded by the Councils to conduct activities consistent with the Objectives of the Committee shown at Section 3.0 of this Terms of Reference. Other than to consider proposals that are presented to CapeROC which must be consistent with the Objectives of the Committee, the Committee has no delegated powers.

CapeROC may approve proposals referred to above provided that the cost of all proposals is within the funding limit allocated by the Councils.

9.0 Termination of Committee

Termination of the CapeROC shall be by decision of either Council or jointly to discontinue participation in the Voluntary Regional Organisation of Councils.

10.0 Amendment to the Terms of Reference

This document may be altered at any time by the two Councils jointly passing a motion of their respective Councils on the recommendation of the CapeROC, or independently by joint decision of the two Councils.

11.0 Committee Decisions

Other than to approve proposals that are presented to CapeROC which are consistent with the Objectives of the Committee shown at Section 3.0 of this Terms of Reference, CapeROC decisions shall not be binding on the two Councils and need to be ratified by either the Councils.

<u>History</u>	
21 October, 2013	SC1310/186 Membership
9 October, 2013	C1310/267 Establishment
12 October, 2011	C1110/315
25 November, 2009	C0911/410

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The updated document not showing tracked changes is provided at Attachment A.

The revised changes are required to be adopted by both the Shire of Augusta-Margaret River and the City of Busselton, by absolute majority.

CONCLUSION

CapeROC has reviewed the ToR and has made minor changes to best reflect current administration practises and objectives of the Committee. Before these ToR can take effect, both Councils of the Shire of Augusta-Margaret River and the City of Busselton are required to adopt the updates by absolute majority. The revised ToR are provided at attachment A for Council adoption.

OPTIONS

Council can choose to either adopt the revised Terms of Reference or not.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Both the City of Busselton and Shire of Augusta Margaret River are requested to advise CapeROC of the outcome of this consideration prior to the next meeting to be held Thursday 23 November 2017.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1709/222 Moved Councillor T Best, seconded Councillor J McCallum

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That Council adopt the Capes Region organisation of Councils (CapeROC) Terms of Reference, reviewed by CapeROC at its meeting 18 August 2017 provided as Attachment A.

CARRIED 9/0

Attachment A

CAPES REGION ORGANISATION OF COUNCILS (CAPEROC)

TERMS OF REFERENCE

1.0 Introduction

The Councils of the Shire of Augusta-Margaret River and the City of Busselton (the Councils) following a resolution of the respective Councils establish a Voluntary Regional Organisation of Councils (VROC) to be known as the *Capes Region Organisation of Councils (CapeROC)*.

The Councils jointly appoint to CapeROC those positions whose names appear in Section 4.0 below. Membership of CapeROC shall, unless otherwise specified, be for a term ceasing at the date of the Local Government election in the year the local government elections are held, after which time the Councils may appoint members for a further term.

The CapeROC shall act for and on behalf of the two Councils in accordance with provisions of the *Local Government Act 1995*, local laws and the policies of the respective Councils and this document.

2.0 Name

The name of the Voluntary Regional Organisation of Councils shall be the Capes Region Organisation of Councils (CapeROC).

3.0 Objectives

CapeROC seeks to enhance the capacity of both local governments to deliver social, economic and environmental benefits to their communities and the region.

The objectives of the CAPEROC are:

- To explore opportunities to foster Economic Development in the Capes Region;
- To explore avenues to foster tourism in the Capes Region and improve the coordination of major regional events;
- To safeguard, strengthen and grow the Margaret River and Busselton brands;
- To explore opportunities to undertake projects of mutual benefit to the Shire and the City eg Rails to Trails network; joint waste management facilities; joint funding of infrastructure requirements;
- To develop opportunities to undertake capacity building activities for Councillors and staff in the Shire and the City;
- To explore opportunities to develop funding submissions on a regional basis;
- To evaluate possible resource sharing arrangements between the Shire and the City;
- To identify skill shortages and to undertake workforce planning on a regional basis;
- To explore opportunities to simplify and standardise policies in the region where appropriate;
- To consider the feasibility of establishing a Capes Regional Council.

4.0 Membership

The membership of the CapeROC shall be:

1. The President of the Shire of Augusta-Margaret River;
2. The Mayor of the City of Busselton;
3. Two Councillors appointed by the Shire and two Councillors appointed by the City;
4. The CEO of the Shire and the CEO of the City.

Deputy Members may be appointed by each Local Government.

5.0 Presiding Member

The role of Presiding member shall be rotated between the Shire and the City on an annual basis and the administration of the meetings will be conducted by the organisation from which the Presiding Member is appointed. The Deputy Presiding Member shall be appointed by the alternative organisation from the Presiding Member.

The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in a less formal manner than Council meetings but in accordance with the accepted rules of conduct for the Shire's and City's Council and committee meetings.

The Presiding Member must cast a second vote if the votes of the members present are equally divided.

The *Local Government Act 1995* places responsibility for speaking on behalf of the Councils with the President and Mayor, or the CEOs if the President and Mayor agree. Statements on behalf of the CapeROC shall be by joint communiqué by the President and Mayor.

The members of the CapeROC with the exception of the President and Mayor are to refrain from speaking publicly on behalf of the CapeROC, or to issue any form of written material purporting to speak on behalf of the CapeROC without the prior approval of the President and Mayor.

6.0 Meetings

The CapeROC shall meet on a quarterly basis or as required.

6.1 Notice of meetings shall be given to members at least 5 days prior to each meeting.

6.2 If any member is absent from 3 consecutive meetings without leave of the CapeROC, they shall forfeit their position on the CapeROC. The respective Council shall be informed, who will then appoint a replacement for the balance of the member's term of appointment.

6.3 The Presiding member shall ensure that detailed minutes of all meetings are kept and shall, not later than 5 days after each meeting, provide both Councils with a copy of such minutes.

6.4 All members of the Committee shall have one vote. If the votes of the members present are equally divided, the person presiding is to cast a second vote as is required under the Local Government Act.

7.0 Quorum

Quorum for a meeting shall be at least 50% of the number of offices, whether vacant or not. A decision of the CapeROC does not have effect unless it has been made by a simple majority.

8.0 Delegated Powers

The CapeROC is a facilitation, advocacy and advisory body established to assist both Councils to achieve greater effectiveness and efficiency. CapeROC is funded by the Councils to conduct activities consistent with the Objectives of the Committee shown at section 3.0 of this Terms of Reference.

Other than to consider proposals that are presented to CapeROC which must be consistent with the Objectives of the Committee, the Committee has no delegated powers.

CapeROC may approve proposals referred to above provided that the cost of all proposals is within the funding limit allocated by the Councils.

9.0 Termination of Committee

Termination of the CapeROC shall be by decision of either Council or jointly to discontinue participation in the Voluntary Regional Organisation of Councils.

10.0 Amendment to the Terms of Reference

This document may be altered at any time by the two Councils jointly passing a motion of their respective Councils on the recommendation of the CapeROC, or independently by joint decision of the two Councils.

11.0 Committee Decisions

Other than to approve proposals that are presented to CapeROC which are consistent with the Objectives of the Committee shown at section 3.0 of this Terms of Reference, CapeROC decisions shall not be binding on the two Councils and need to be ratified by the Councils.

<u>History</u>	
18 August, 2017	CAP1708/005 Review
21 October, 2013	SC1310/186 Membership
9 October, 2013	C1310/267 Establishment
12 October, 2011	C1110/315
25 November, 2009	C0911/410

17. REPORTS OF COMMITTEE

10.3 Policy and Legislation Committee - 17/08/2017 - CONSOLIDATED PARKING SCHEME AMENDMENT - PRIES AVENUE, BUSSELTON

SUBJECT INDEX:	Minor Parking Scheme Amendments
STRATEGIC OBJECTIVE:	Creative urban design that produces vibrant, mixed-use town centres and public spaces.
BUSINESS UNIT:	Environmental Services
ACTIVITY UNIT:	Ranger and Emergency Services
REPORTING OFFICER:	Senior Prosecutions and Policy Officer - Owen Anderton Ranger & Emergency Services Coordinator - Ian McDowell
AUTHORISING OFFICER:	Manager Environmental Services - Tanya Gillett
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Correspondence received⇒ Attachment B Diagram⇒

This item was considered by the Policy and Legislation Committee at its meeting on 17 August 2017, the recommendations from which have been included in this report.

PRÉCIS

The purpose of this report is to seek Council endorsement of a proposed variation to the City's Consolidated Parking Scheme to create a no stopping/parking area along the west side of Pries Avenue, between Peel Terrace and Albert Street.

BACKGROUND

The City's Consolidated Vehicle Parking Scheme (the Scheme) is periodically reviewed and amended from time to time, thereby ensuring that the Scheme remains current.

The City received a request from the proprietor of Paradise Motor Inn, situated at 6 Pries Avenue, Busselton, to install a stopping/parking area along the west side of Pries Avenue, between Peel Terrace and Albert Street.

The correspondent has observed over a two year period numerous traffic related incidences caused by vehicles parking on the west side of the road in Pries Avenue. Vehicles parking on the western side of Pries Avenue are creating a hazard for pedestrians and road traffic using Pries Avenue. See attached correspondence.

There is currently 90 degree on-street parking on the eastern side of Pries Avenue. The City's Design and Survey team has determined that, according to relevant Australian Standards, the width of Pries Avenue is not sufficient to accommodate vehicles parking on both sides of the road in the current configuration.

STATUTORY ENVIRONMENT

Council designates parking and traffic restrictions under the powers of the *Parking Local Law 2011* (the Local Law). The designation of parking stalls, stations and areas occurs under Part 2 of the Local Law; and the Scheme (a large series of plans identifying the location and type of parking restrictions in detail) is adopted pursuant to Part 2, as a means to identify these designations. Designations are

given practical effect through on-ground signage and line marking, as well as the issue of public notices.

Section 2.1(1)(g) of the Local Law states: *“That Council may, constitute, determine or vary permitted classes of vehicles which may park in specified parking stalls, parking stations and parking areas”*. This report seeks to make a variation through the establishment of no stopping/parking areas along the west side of Pries Avenue between Peel Terrace and Albert Street.

Where Council makes a determination to establish or amend a parking stall, parking stations and parking areas under the Local Law, the Chief Executive Officer must give local public notice of, and erect signs to give effect to the determination.

RELEVANT PLANS AND POLICIES

There are no relevant plans and policies associated with this matter.

FINANCIAL IMPLICATIONS

Resources required for implementation of the local law, that is to mark parking bays and or zones with paint and installing signs on posts, are provided for within the City’s overall operational budget and can be achieved without any effect on other operational areas.

Long-term Financial Plan Implications

There are no long-term financial implications associated with this matter.

STRATEGIC COMMUNITY OBJECTIVES

The recommendation of this report reflects Community Objective 2.3 of the Strategic Community Plan 2017 to *“create urban design, that produces vibrant, mixed use town centres and public spaces”*.

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City’s risk assessment framework. There are no significant risks identified.

CONSULTATION

In preparing this report the City has consulted with the owners and occupiers of the properties on the western side of Pries Avenue. The City wrote to the owners seeking feedback and submissions. All respondents agreed to the proposed changes to the Scheme. The eastern side of Pries Avenue is Victoria Square.

OFFICER COMMENT

Pries Avenue experiences significant pedestrian and vehicle traffic flow as well as vehicle parking particularly on the eastern side where there are 2 parking bays for the disabled and 31 all day car parking bays. This area is close to the main Busselton shopping precinct, the Senior Citizens Centre and the Orana Cinema. There is no footpath on Pries Avenue and pedestrians walking to and from the Orana Cinema and shopping precinct walk on the Pries Avenue carriageway.

CONCLUSION

That Council endorse the proposed amendments to the City's Consolidated Parking Scheme to establish a no stopping/parking area along the west side of Pries Avenue between Peel Terrace and Albert Street.

OPTIONS

Council may support or amend the officer recommendations to vary parking controls in Pries Avenue or pursue alternative solutions.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Where Council makes a determination to establish or amend a parking stall, parking stations and parking areas under the Parking Local Law 2011, the CEO must give local public notice of, and erect signs to give effect to, the determination. Subject to Council endorsement of the officer recommendations, local public notice will be advertised and appropriate signage erected as soon as is practicable following Council endorsement.

OFFICER RECOMMENDATION

C1709/223 Moved Councillor R Paine

That the Council:

1. Amends the Consolidated Parking Scheme, pursuant to the City of Busselton Parking Local Law 2011 to establish a no stopping/parking area along the west side of Pries Avenue between Peel Terrace and Albert Street.
2. Endorses the CEO to give local public notice of the determination as required by the City of Busselton Parking Local Law 2011.

LAPSED 2/7

Reason for change: The Committee felt there was no justification to change the existing parking arrangements.

COUNCIL DECISION AND COMMITTEE RECOMMENDATION

C1709/224 Moved Councillor G Bleechmore, seconded Councillor P Carter

That the Council:

1. Does not amend the Consolidated Parking Scheme, pursuant to the City of Busselton *Parking Local Law 2011* to establish a no stopping/parking area along the west side of Pries Avenue between Peel Terrace and Albert Street.
2. The proprietor of Paradise Motor Inn be thanked for his submission and advised accordingly.

Voting:

For the motion: Councillor R Bennett, Councillor T Best, Councillor G Bleechmore, Councillor J McCallum, Councillor C Tarbotton, Councillor P Carter and Councillor R Reekie.

Against the motion: Mayor G Henley and Councillor R Paine.

CARRIED 7/2

18. PLANNING AND DEVELOPMENT SERVICES REPORT

11.2 APPLICATION FOR DEVELOPMENT APPROVAL FOR AN EXTRACTIVE INDUSTRY (LIMESTONE) AND CRUSHING FACILITY AT LOT 3 (130) & LOT 237 LUNDLOW PARK ROAD WONNERUP

SUBJECT INDEX:	Development/Planning Applications
STRATEGIC OBJECTIVE:	Development is managed sustainably and our environment valued.
BUSINESS UNIT:	Development Services and Policy
ACTIVITY UNIT:	Statutory Planning
REPORTING OFFICER:	Statutory Planning Coordinator - Joanna Wilson
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Aerial⇒
	Attachment B Original Development Proposal⇒
	Attachment C Amended Development Plan⇒
	Attachment D Summary of Submissions⇒
	Attachment E Agency Submissions⇒
	Attachment F Soil Mapping⇒
	Attachment G HA Report May-17⇒
	Attachment H 28 June 2017 Report⇒
	Attachment I Haul Routes⇒
	Attachment J Conditions Fire Access Track - Option 1⇒
	Attachment K Conditions Ludlow Park Road - Option 2⇒

PRÉCIS

Councillors will recall that this application was deferred from the Council meeting of 28 June 2017, pending further investigation on the availability of Theresa Road, as an alternative access to Ludlow Park Road, for the heavy vehicles associated with the proposed extractive industry. This is discussed in detail in the Officer Comment section of the report.

Since this time, a further site visit has been undertaken by officers in light of concerns raised by community members about ground water issues.

The report from the 28 June meeting is attached as Attachment H, the reports need to be understood together. The content of this report has additional information or changes/updates to the 28 June report. The following outlines the updates within the report:

- a response from the applicant in regard to the Department of Biodiversity, Conservation and Attraction's (DBCA, formerly DPaW) submission;
- corrections to Local Rural Planning Strategy related information;
- Further discussion regarding separation distance to the Vasse-Wonnerup Ramsar Wetland System;
- Update relating to Federal Department of Environment referral;
- Information updating compliance investigations by the City; and
- Revised officer recommendation and option.

As a result of the outcomes of the site visit and further consideration of groundwater issues, it is considered that the proposal is inconsistent with the relevant planning framework and is recommended for refusal. This is set out in more detail in the body of the report.

BACKGROUND

Consideration of this application was deferred at the Council meeting of 28 June 2017, pending further investigation on the availability of Theresa Road, as an alternative access to Ludlow Park Road, for the heavy vehicles associated with the proposed extractive industry. DBCA have advised that the use of Theresa Road would not be supported (note that 'Theresa Road' is not actually constructed); however there is a fire-access track immediately adjacent to Theresa Road. In order to utilise DBCA's fire-access track, they have advised that an agreement with DBCA would need to be entered and the City would be required to commence the process of the de-gazettal of Theresa Road, and amalgamation of that land into the adjoining Tuart Forest National Park.

Since the deferral of the application, officers have been on site again after numerous complaints from adjoining landowners. It was noted on site that it appeared that extraction of limestone has already been carried out without approval and numerous breaches of the current development approvals for extraction of sand from the site appear to have taken place, in particular, it appears that ground water has been intercepted.

In light of the groundwater concerns, officers have concerns about the hydrological assessment that was submitted and the ability to extract limestone above the groundwater level.

For further background, please refer to the 28 June 2017 report.

STATUTORY ENVIRONMENT

Refer to 28 June 2017 report.

RELEVANT PLANS AND POLICIES

Refer to 28 June 2017 report, other than with report to the following.

Local Rural Planning Strategy

Under the Local Rural Planning Strategy the site is located within the 'rural wetlands' precinct. Within this precinct an Environmental objective is to provide for extraction of mineral sand only where impact can be managed and sustainable rehabilitation can be achieved. It is noted that the site is currently used for dairy cattle and horticulture. As horticulture is an intensive user of fertilisers, the drain water is likely to be high in nutrients, especially Nitrogen. In light of the limited information submitted, it is considered that the proposal would pose an unacceptable risk to the wetlands.

FINANCIAL IMPLICATIONS

There are no significant financial implications to the City arising from the staff recommendation in this report.

Long-term Financial Plan Implications

There are no significant long-term financial plan implications.

STRATEGIC COMMUNITY OBJECTIVES

Refer to 28 June 2017 report.

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. The assessment identifies 'downside' risks only, rather than 'upside' risks as well. Risks are only identified where the individual risk, once controls are identified, is medium or greater. No such risk has been identified.

CONSULTATION

Refer to 28 June 2017 report.

The comments from DBCA with regard to the haul route are provided at Attachment E.

OFFICER COMMENT

The City has assessed the application having regard to the objectives and policies of the "Agriculture" Zone and Clause 11.2 - Matters to be Considered of the Scheme (clause 67 of Part 8 of the regulations). Officers have also had regard to the requirements as set out in Local Planning Policy 5A - Extractive Industry. Key considerations are outlined and discussed below.

Proximity to Vasse-Wonnerup Ramsar Wetland System

Officers are of the opinion that the pivot irrigation system is not an appropriate reason to reduce the separation distance. The separation distance to the Ramsar Wetland System is recommended by the Department of Environment and Energy to ensure that there will not be an impact on the wetland. In order to reduce the distance, assessments should be undertaken to ensure there is sufficient depth to the water table to ensure that the quality of water is not compromised and drainage can be managed appropriately. Based on the outcome of the site visit and that it appeared that groundwater has been intercepted and already compromised, officers are of the opinion that the separation distance should not be reduced until it can be shown through a revised hydrological assessment that the water quality can be managed during and post extraction. Officers have concerns that reducing the buffer distance would have a detrimental impact on the Ramsar wetland and would be contrary to relevant matters to be considered.

Ground Water

Concerns have been raised that Department of Water have been inconsistent in their approach to separation distance to groundwater across the South-West. Officers have discussed this with DWER who have advised that the minimum separation to groundwater is generally 300mm, but the minimum separation in a public drinking water supply area is 2m. Some local governments across the South-West have imposed within their local planning policies a minimum separation of 2m to groundwater.

The extraction in Myalup that some in the community have referred to is public land that Department of Mines and Petroleum have been inviting expressions of interest (EOI) for. Within the EOI they were informing contractors that they required a minimum 2m separation to groundwater.

DWER have been made aware of the outcomes of the site visit and provided the following comments:

"With regards to the groundwater issue, without in-situ water table monitoring over time, from suitably constructed monitoring bores with known screen depths and stratigraphy, it is not possible to establish conclusively maximum seasonal groundwater levels (MSGL) at the site of the proposed extraction operations."

Therefore DWER's advice that extractive activities should not occur below 300mm of the estimated MSGL is subject to a crucial factor that remains unknown.

If the MSGL was determined with surety, it would be possible for the City to set a maximum pit depth, rather than proposing to maintain a minimum vertical separation between the MSGL and the pit depth, with all the uncertainty that the latter implies.

Put simply, in the absence of surveyed pit floor levels, correlated with relevant groundwater level monitoring data, in this location the risk of intercepting groundwater is high.

DWER's response to this proposal has been consistent, in that it does not wish to see extractive industry occur below the MSGL with a minimum separation distance being maintained at 300mm.

In this extent, on 8th June 2017 DWER (formerly DoW) recommended to the City of Busselton that given the implied uncertainty of the MSGL, any condition for approval should include:

"If any interception of groundwater occurs at any time during the extractive industry operation, work shall cease immediately and an advice notice provided to the City of Busselton within 48 hours, followed by agreed remedial action and if necessary, a review of operational integrity".

This in essence was a safeguard to prevent quarrying below an MSGL that is unknown.

To summarise the situation, with the lack of certainty about the MSGL, a precautionary approach must be taken to assessing the veracity of the proposal.

If the City of Busselton has any doubt about the capacity for this proposal to proceed conditionally, i.e. no quarrying below the MSGL, in the absence of key information backed by credible data, it would be well advised to err on the side of caution".

Haulage Route

The DBCA have provided comments in respect of the request from Councillors to consider the use of Theresa Road as an alternative access route. DBCA have advised:

Preferred Haulage Option

Legal access to Lots 3 and 237 via Ludlow Park Road, is the proponent's proposed access route for heavy truck movements from the extraction site. In addition the original proposal indicated that there would be approximately nine truck movements per day from (NB: 18 vehicle movements per day) the proposed extraction site.

The BSO Development Consultant's letter dated 20 January 2017 (BS017) to the CoB indicated that the proponent would be willing to transport from the extraction site on pre-determined days and suggested Monday Tuesday and Wednesday in any week, with some smaller contracts supplied on Thursday and Fridays.

Given this, the proposed maximum use of Ludlow Park Road for the extractive haulage generally only coincides with Forest Adventures South West operating times on one day of the week (Mondays) and occasionally on Tuesdays and Wednesdays for large group bookings, outside of the school holiday period.

The use of this access minimizes potential impacts to the Ramsar wetland system, State forest and National Park and is DBCA's preferred haulage access route from the proposed extractive industry site and all heavy truck movements from the Lots.

It is suggested that truck movements for Mondays and occasionally on Tuesdays and Wednesdays, could be managed with suitable signage, a formed crosswalk, pedestrian track and fencing to ensure high ropes patrons cross the road at a designated point and even a crosswalk attendant if deemed necessary.

Potential dust impacts from haulage trucks could be managed with the sealing of the section of Ludlow Park Road where it passes alongside the high ropes course. DBCA would not object to the sealing of the road to reduce potential dust impacts to the Forest Adventures South West High Ropes Course.

Alternative Haulage Option

It is noted that Theresa Road is not formally constructed and retains native vegetation along its entire northern extent. The existing track adjacent to the southern portion of Theresa Road between Tuart Drive and the southern corner of Lot 101 is a DBCA-managed fire access track. The fire access track, within and adjacent to Theresa Road is a well-constructed track

Under this scenario DBCA would prefer that Theresa Road is not constructed for the proposed extractive industry haulage route. Rather, that the existing DBCA fire access track from Tuart Drive to Lot 237 be upgraded and used as the proposed haulage route for the proposed extractive industry. The use of the existing constructed fire access track would not require any additional clearing of native vegetation.

If DBCA's preferred haulage route along Ludlow Park Road cannot be accommodated, and the CoB agree to progress the closure and degazettal of Theresa Road, with vesting of Theresa Road to DBCA, and approves the use of the fire access track for extractive haulage, then the proponent would need to formally seek permission from DBCA for the use of the fire access track, when CoB have approved the proposed extractive industry.

In order for DBCA's fire-access track to be utilised, an agreement with the DBCA would need to be entered into before a development application is approved and the City would be required to commence the process of the de-gazettal of Theresa Road. Note that conditions of approval that require approval of a third party or approval under separate legislation cannot be valid planning conditions. As such, a condition requiring the applicant to enter into an agreement with DBCA and/or a road closure would not be a valid condition.

It is noted that the current operations have experienced periods of peak demand which has resulted in additional vehicle movements above those that were advised as part of the application. The applicant has indicated that negotiations over a large contract has not come to fruition at the time of writing this report and has suggested that condition limiting 10 truck loads per day would be adequate for any future contracts (i.e. 20 vehicle movements per day). .

The applicant has also agreed that vehicles would not exit the site during the weekend and if the high rope business has a large volume of children (i.e buses of school children) arriving on a particular day then they would not operate on that day.

Based on the proposed vehicle numbers, the applicant does not want to utilise DBCA fire access track for haulage.

Dust and Noise Management

Refer to 28 June 2017 report.

Referral to Federal Department

The Compliance Branch of the Federal Environment Department has contacted the City requesting information on the proposal, in particular when the application will be determined by Council. It is now the role of the Compliance Branch to undertake an investigation by making further enquiries and work with the proponent to resolve any matters.

Compliance Investigation by the City

City officers have conducted a number of site visits as a result of complaints received from the community that breaches of the conditions of the current development application have taken place. As a result of the latest site visit, it was noted several conditions appear to have been breached and further development may have been undertaken without approval. Once this application has been determined, officers envisage undertaking more detailed investigations.

CONCLUSION

It was observed on site from an existing excavation that the height of the limestone sheet appeared to be very close to the groundwater level, in light of this observation it questions the validity of the hydrological assessment and the projections of the amount of limestone that can be extracted. On this basis, officers consider that the proposed extractive could not be undertaken without intercepting the groundwater table and there is not considered to be an economic resource above the groundwater table. In the absence of clear and credible information indicating the level to which extraction can occur, it is not considered that approval can be contemplated.

It is considered highly unlikely that post extraction the finished pit floor is going to be inundated in winter. The land, after the pit is finished, has to be suitable for the included post-extraction use i.e. horticulture. To make the land suitable for horticulture it would need to be drained to the wetlands. As horticulture is an intensive user of fertilisers, any run-off is likely to be high in nutrients, especially nitrogen. As a result, it is considered that the proposal could pose an unacceptable risk to the wetlands.

Officers consider that the proposal is unacceptable and is contrary to Local Planning Scheme No.21 and should be refused.

OPTIONS

Should the Council be of the view that the groundwater and wetland issues are adequately addressed, options available to the Council would include the following -

1. Approve the proposal with the use of DBCA's Fire-access track as the haul route and subject to the revocation of the Approval granted for the extraction of sand on the 29 October 2014 and attached conditions (Attachment J), once the applicant has entered into an agreement with DBCA for the use of the access track and the City commences the de-gazettal of Theresa Road and amalgamation of that land into the adjoining Tuart Forest National Park.
2. Approve the proposal with the use of Ludlow Park Road as the haul route and subject to the revocation of the Approval granted for the extraction of sand on the 29 October 2014 and attached conditions (Attachment K).

If Council are minded to approve the development application, the use of DBCA's fire-access track would be the preferred option. It is considered by officers that this would be the safest haul route, and that it would remove any potential conflict with the high ropes course and neighbouring residents. Furthermore it would result in the vehicles exiting directly onto Tuart Drive, which has a much more significant capacity to accommodate heavy vehicle traffic. It would also negate the need to enforce limits on vehicle movements, and provide greater potential and flexibility of supply from the operation.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The proponent will be advised of the Council decision within two weeks of the Council meeting.

OFFICER RECOMMENDATION

That the Council resolve to refuse the development application (as submitted) for Extractive Industry (Limestone) and Crushing Facility at Lot 3 (130) and Lot 237 Ludlow Park Road, Wonnerup because it is inconsistent with Local Planning Scheme No. 21 for the following reasons –

1. The proposal would intercept with groundwater to the detriment on the natural environment and water resources.
2. The post extraction change in ground level would result in the site being inundated in winter, exposure of groundwater to pollutants and hydrological dysfunction. As a result, it is considered that the proposal would pose an unacceptable risk to the wetlands.
3. The haulage route would not be adequate for the number of vehicle movements associated with the development to the detriment of the safety of the users of the surrounding road network.
4. Clause 67 of the Planning and Development Regulations 2015 Deemed Provisions lists matters that local government is to have due regard to when considering a development application. The following are considered to be of relevance to the subject proposal:
 - (a) *The aims and provisions of the Scheme and any other local planning Scheme operating within the Scheme Area*
 - (g) *Any local planning policy for the Scheme area*
 - (n) *The amenity of the locality including the following –*
 - (i) *environmental impacts of the development*
 - (o) *The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource*

- (q) The suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk*
- (za) The comments or submissions received from any authority consulted under clause 66*

Approval of the proposal would be in conflict with provisions (a), (g), (n), (o), (q) and (za) listed under Clause 67 of the Regulations.

5. As a result of the above the proposal is inconsistent with Local Planning Scheme 21 Clause 4.2.6 objectives of the Agriculture zone:

- (a) To conserve the productive potential of rural land*
- (d) To enable the development of land for other purposes where it can be demonstrated by the applicant that suitable land or buildings for the proposed purposes are not available elsewhere and that such purposes will not detrimentally affect the amenity of any existing or proposed nearby development*

6. Approval of this development would be inconsistent with the orderly and proper planning of the locality for the reasons noted above.

ALTERNATIVE MOTION

Moved Councillor G Bleechmore, seconded Councillor P Carter

General Conditions

1. The development hereby approved is permitted to operate for five years from the date of this Decision Notice or until 245,000 cubic metres volume of material or in accordance with condition 5.8, whichever is the lesser. The site shall be rehabilitated in accordance with an approved Rehabilitation Plan by the expiry date of this development approval.
2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plans and Approved Management Plans and except as may be modified by the following conditions.
- 2A. This approval is granted subject to the revocation of the approval for extraction of sand, granted 29 October 2014.

Prior to Commencement of Any Works Conditions:

3. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the City and have been approved in writing:
 - 3.1 The northern fork of Ludlow Park Road, indicated in red on the approval plans, to be upgraded for 27 metres as measured from its intersection with Ludlow Road North;
 - 3.2 Staging plan dividing the approved extractive area into 2 hectare cells and indicating the timeframe each individual cell is to be extracted and rehabilitated;
 - 3.3 A Noise Management Plan submitted to the City.

4. The development hereby approved, or any works required to implement the development, are subject to the following bonds (accompanied by an executed legal agreement with the City at the full cost of the owner) which shall be paid to the City within 2 months of the date of this development approval:
 - 4.1 A dust bond to the value of \$5,000, which shall be held against satisfactory compliance with Condition 5.11 of this approval.
 - 4.2 A rehabilitation bond to the value of \$20,000, which shall be held against satisfactory compliance with Condition 5.9 of this approval.
 - 4.3 A road maintenance bond of \$10,000.00 in the form of an unconditional bank guarantee to ensure that the surrounding road network is maintained to the satisfaction of the City for the term of the extractive industry. Those portions of public roads affected by the activities related to the approval shall be maintained to a standard acceptable to the City at cost to the applicant; such bond may be utilised for road maintenance purposes where necessary as a result of the operation. The bond shall be accompanied by an executed legal agreement with the City at the full cost of the owner.
 - 4.4 Further to conditions 4.1 - 4.3, the bonds are to be accompanied by an executed legal agreement with the City at the full cost of the owner. The legal agreement shall include:
 - (i) The ability for the City to be able to use the bond, or part of the bond as appropriate, and any costs to the City including administrative costs of completing or rectifying any outstanding works on site in accordance with the conditions of this development approval and any further costs.
 - (ii) Written authorisation from the owner of the land that subject to prior notification the City may enter the site at any time and permit the City to complete or rectify any outstanding work to the satisfaction of the City.

On-Going Conditions:

5. The works undertaken to satisfy Conditions 1 - 4 (inclusive) shall be subsequently maintained for the life of the development including, and in addition to, the following conditions:
 - 5.1 The development hereby approved shall be limited to: the extraction of limestone from the site; screening of material; crushing; associated drainage works; and rehabilitation works.
 - 5.2 Notwithstanding Condition 5.1 above, working hours within the pit area, including crushing and transportation of materials shall be restricted to the hours between: 7.00am and 5.00pm Mondays to Fridays; 7.00am and 1.00pm Saturdays for rehabilitation works only; and at no time on Sundays or public holidays.
 - 5.3 Unless otherwise approved in writing, and following finalisation of arrangements satisfactory to the City for the use of an existing access track through the adjoining Tuart Forest National Park, which runs broadly parallel to the former Theresa Road alignment, the designated haulage route is to be along the northern fork of Ludlow Park Road turning only south along Ludlow Road North and then in either a westerly or easterly direction along Tuart Drive.

- 5.4 Trucks are not to operate on Monday to Friday between the hours of 7.30am and 9.00am and between 3.00pm and 4.30pm on any given school day on a school bus route (Ludlow Road North and Tuart Drive), or between other times as agreed in writing between the applicant and the local government.
- 5.5 Unless otherwise approved in writing, and following finalisation of arrangements satisfactory to the City for the use of an existing access track through the adjoining Tuart Forest National Park, which runs broadly parallel to the former Theresa Road alignment, a maximum number of 10 truck movements (i.e. 10 trucks entering and 10 trucks exiting the site) shall be permitted on the operating days and times as permitted per Condition 5.2 and 5.4 above.
- 5.6 Further to condition 5.5 above, should more than 10 truck movements per day be proposed in any 24 hour period a Traffic Management Plan is to be submitted to, and approved by the City, at least 7 working days prior.
- 5.7 No more than 2 hectares shall be worked at any one time; this area shall then be rehabilitated in accordance with the approved details pursuant to Condition 3.2 concurrently with the extraction of the following 2 hectare area.
- 5.8 The lowest level of excavation shall always be a minimum of at least 300mm above the maximum water table level and no dewatering works are to be undertaken. The City is to be notified within 24 hours if the water table is intercepted.
- 5.9 Further to condition 5.8, the final land surface (after rehabilitation for horticulture) shall be 1 metre above the maximum seasonal groundwater level. The pit is to be rehabilitated with clean free draining fill overlain by topsoil.
- 5.10 The following minimum setback from extractive activities shall be achieved at all times:
 - > 20 metres to the south-eastern and south-western lot boundaries;
- 5.11 The approved Dust Management Plan shall be implemented and carried out in accordance with the approval details.
- 5.12 The Noise Management Plan required to satisfy condition 3.3 above shall be implemented and carried out in accordance with the approval details.
- 5.13 Extractive within 300m of Quindalup Coast land system soils as depicted in the mapping from the Department of Agriculture, Western Australia's Land Resources Series, report No 5 titled "Busselton, Margaret River, Augusta Land Capability Study" and Figure 6 - Land Systems and Soil Types from Busselton Wetlands shall not occur during Black Swan nesting peak times and shall only occur during Summer and Autumn (1 December through until 31 May).
- 5.14 No hydrocarbons (fuels, oils, lubricants etc) shall be stored within the pit area. All refuelling and maintenance must be carried outside of the pit area in bunded areas.
- 5.15 No vegetation is to be removed as part of the extractive activities hereby approved without first obtaining approval from the City.
- 5.16 No dewatering of the extraction area shall be permitted without prior approval from the City and Department of Water.

- 5.17 The applicant must submit to the City, annually and within 3 (three) months of the anniversary of this approval a report detailing the following:
- a) Survey conducted by a licensed surveyor certifying;
 - The extent/size and location of the area which has been extracted;
 - The extent/size and location of the areas which has been rehabilitated;
 - The extent/size and location of the area which is currently under operation;
 - b) Details as to which conditions of this development approval have been complied with and how this has been achieved; and
 - c) Details as to which conditions of this development approval have not been complied with and the reasons for such non-compliance ("Compliance Report").
- 5.18 In addition to the above, prior to the applicant commencing construction on a new cell a report is to be submitted to the City detailing the following:
- a) Finished ground level in AHD of the cell post extractive activities (Refer to condition 5.8);
 - b) Finished ground level in AHD of the cell post rehabilitation (Refer to condition 5.9).
- 5.19 Notwithstanding conditions 5.3, 5.5 and 5.6, should arrangements be made satisfactory to the City for the use of an existing access track through the adjoining Tuart Forest National Park, the track which runs broadly parallel to the former Theresa Road alignment, then the City may approve in writing that alternative haulage route, without limitations on the number of truck movements, or the need for a traffic management plan for truck movements in excess of those set out in those conditions.

LOST 4/5

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1709/225

Moved Councillor J McCallum, seconded Councillor R Paine

That the Council resolve to refuse the development application (as submitted) for Extractive Industry (Limestone) and Crushing Facility at Lot 3 (130) and Lot 237 Ludlow Park Road, Wonnerup because it is inconsistent with Local Planning Scheme No. 21 for the following reasons –

1. The proposal would intercept with groundwater to the detriment on the natural environment and water resources.
2. The post extraction change in ground level would result in the site being inundated in winter, exposure of groundwater to pollutants and hydrological dysfunction. As a result, it is considered that the proposal would pose an unacceptable risk to the wetlands.
3. The haulage route would not be adequate for the number of vehicle movements associated with the development to the detriment of the safety of the users of the surrounding road network.
4. Clause 67 of the Planning and Development Regulations 2015 Deemed Provisions lists matters that local government is to have due regard to when considering a development application. The following are considered to be of relevance to the subject proposal:
 - (a) *The aims and provisions of the Scheme and any other local planning Scheme operating within the Scheme Area*
 - (g) *Any local planning policy for the Scheme area*

- (n) The amenity of the locality including the following –*
 - (i) environmental impacts of the development*
- (o) The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource*
- (q) The suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk*
- (za) The comments or submissions received from any authority consulted under clause 66*

Approval of the proposal would be in conflict with provisions (a), (g), (n), (o), (q) and (za) listed under Clause 67 of the Regulations.

5. As a result of the above the proposal is inconsistent with Local Planning Scheme 21 Clause 4.2.6 objectives of the Agriculture zone:

- (a) To conserve the productive potential of rural land*
- (d) To enable the development of land for other purposes where it can be demonstrated by the applicant that suitable land or buildings for the proposed purposes are not available elsewhere and that such purposes will not detrimentally affect the amenity of any existing or proposed nearby development*

6. Approval of this development would be inconsistent with the orderly and proper planning of the locality for the reasons noted above.

Voting:

For the motion: Councillor R Bennett, Mayor G Henley, Councillor J McCallum, Councillor C Tarbotton and Councillor R Paine.

Against the motion: Councillor T Best, Councillor G Bleechmore, Councillor P Carter and Councillor R Reekie.

CARRIED 5/4

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**16.1 Amendment to the 2017/18 budget to co-fund extensions to the John Edward Pavillion**

Mayor Grant Henley has given notice that at the Council meeting on 13 September 2017, he will move the following motion:

That the Council:

1. Approves a budget amendment for a contribution of \$100,000 from the Infrastructure Development Reserve to co-fund the extension to the John Edwards Pavilion at the Dunsborough Playing Fields (within the 2017/18 Budget).
2. Delegates authority to the CEO to enter into negotiations with the Dunsborough Sharks Football Club for a lease for the John Edward's Pavilion, including provisions that ensure reasonable access for other user groups including but not limited to netball and an orderly transition to future facilities.
3. Delegates authority to the CEO to formalise a Funding Agreement with the Dunsborough Sharks Football Club outlining the necessary terms and conditions to be granted the \$100,000 contribution including the required acquittal process.
4. Requires the CEO to review Active Public Open Space in Dunsborough to ensure orderly planning of built infrastructure prior to entering into the funding agreement.

AMENDED MOTION

Moved Councillor R Paine

Replace point 4 with:

- a)
 - > Request that the CEO complete a review of the Active Public Open Space in Dunsborough and present to Council an Active Public Open Space Master Plan for the area.
- b)
 - > Request that if the Active Public Open Space Master Plan is adopted by Council, that the CEO bring a second report to Council exploring the opportunity to provide an extension to the John Edwards Pavilion.

Delete point 2.

Delete point 3

LAPSED FOR WANT OF A SECONDER

Motion

C1709/226

Moved Mayor G Henley, seconded Councillor J McCallum

That the Council:

1. Approves a budget amendment for a contribution of \$100,000 from the Infrastructure Development Reserve to co-fund the extension to the John Edwards Pavilion at the Dunsborough Playing Fields (within the 2017/18 Budget).
2. Delegates authority to the CEO to enter into negotiations with the Dunsborough Sharks Football Club for a lease for the John Edward's Pavilion, including provisions that ensure reasonable access for other user groups including but not limited to netball and an orderly transition to future facilities.

3. Delegates authority to the CEO to formalise a Funding Agreement with the Dunsborough Sharks Football Club outlining the necessary terms and conditions to be granted the \$100,000 contribution including the required acquittal process.
4. Requires the CEO to review Active Public Open Space in Dunsborough to ensure orderly planning of built infrastructure prior to entering into the funding agreement.

CARRIED 9/0

COUNCILLOR COMMENT

The John Edwards Pavilion is an inadequate and tired community asset that requires an upgrade. The request by the new combined Dunsborough AFL club represents an opportunity to increase clubroom space that will meet the immediate needs of the clubs until such time as a facility is developed as planned at Lot 10 in the future. At that time the existing facility may be surrendered to meet the needs of the remaining user groups or for other uses and will not become redundant infrastructure.

BACKGROUND

On 7 August 2017, the Mayor and Manager for Community Services met with representatives from the Dunsborough Sharks Football Club (DFC), Redmond Sweeney, Acting President and Evan Williams, Club Member and appointed Architectural Draftsman, to be presented with a proposal to extend the John Edward Pavilion (JEP) at the Naturaliste Community Centre (NCC) at Dunsborough Lakes Playing Fields. (See Attachment D Location Plan).

The DFC is a collective of the Dunsborough Sharks (Juniors), the Dunsborough-Yallingup Mulies (Mens), the Dunsborough Ducks (Masters), and the Dunsborough Dragon Slayers (Womens). They have a total 390 registered players this season. Club representatives explained how growth in football, other sports, spectators and the local population now means the John Edward Pavilion is no longer large enough to accommodate current or future community needs. A key issue is the lack of a large undercover area for players; especially the juniors and their families, to shelter from the inclement weather experienced playing winter sport.

A suitably sized pavilion is also a priority for most clubs to hold fundraising activities the proceeds from which are reinvested back into the Clubs for their future sustainability. Currently, clubs have to hire other venues away from their playing grounds to hold these events.

The Football Club proposed a 12m by 10m extension of the JEP clubroom facility which could be approached in two stages. The first being a freestanding veranda over a concrete hardstand area, which the Club could finance themselves as an interim quick fix. At a later stage, the Club proposed the sides could be enclosed with doors and windows added, the existing exterior wall knocked through, the bar relocated and the kitchen upgraded to commercial standard. (See attachments B and C for the proposed concept design and floor plan). The Club requested the City consider funding stage two or co-fund the total project in one stage. Completing the total project in one stage would achieve efficiencies in the build cost and timeframes and meet all the Clubs immediate needs in time for the 2018 season. The Club have estimated a total project cost of \$200,000, which includes \$40,000 of in kind support from the Club and \$60,000 cash.

In a letter dated 18 August 2017, the Club's proposal was outlined in a formal request for funding (Attachment A).

OFFICER COMMENT

Whilst Officers acknowledge, the circumstances for receipt of this proposal and funding request are unusual in that they have not transpired through any funding program consultation such as Community Bids or CSRFF, and therefore are not currently considered in the City's Long term Financial Plan, the proposal presents an opportunity to address an immediate need in a short timeframe, prior to the next football season, from appropriate reserve funds.

The Club's feedback about the JEP also supports a recently commissioned asset condition assessment and user consultation undertaken for the Naturaliste Community Centre (NCC) masterplan which identified the JEP can no longer adequately service the needs of the numerous groups which utilise the Dunsborough ovals and NCC complex.

Whilst there are future plans to build new ovals, clubrooms and associated facilities in Dunsborough Lakes at Lot 10 Commonage Road, the first oval is planned to be developed in 2018/19, but the development of the further two ovals and shared clubhouse are some years away. Whilst it is expected that Football will move to the new sporting complex, netball, basketball, cricket and soccer, all of which are also growth sports, are likely to remain at the current site. Based on this, and given the current demands associated with the existing playing fields, the future growth of other sporting groups and the current unusable condition of the JEP, Officers support the proposed expansion to meet the immediate needs of the Dunsborough community.

An expanded JEP shared with other clubs, including Basketball, Netball, Yallingup Boardriders and the Smiths Beach Surf Lifesaving Club (proposed in the letter), will be a well utilised addition to Dunsborough community facilities. The extension will not only cater for immediate needs, it will also be utilised by other sporting associations or clubs who will utilise the existing playing fields when Lot 10 Commonage Road is fully developed and operational. Further, opportunities also exist to repurpose the facility in line with future planning for the NCC and the surrounding area.

Currently there is \$2.03m in the New Infrastructure Development Reserve, which is anticipated to be reduced to \$1.54m by the end of financial year as a result of planned infrastructure development works that could be utilised to co-fund the extension up to \$100,000. The Council could also consider allocating funds through the October 2017 Community Bid funding round noting that the total budget available is \$91,860 and that it is likely to be a competitive round with other community priorities. The Council could also consider requesting the Dunsborough AFL club make an application in the February 2018 CSRFF grants round, however this would mean the Club's timeframes to have the extensions complete prior to the 2018 season would not be achievable.

- ATTACHMENTS**
- Attachment A Proposed extension to JEP letter from Club [⇒](#)
 - Attachment B Concept Plan - Proposed Extension to John Edwards Pavilion [⇒](#)
 - Attachment C Concept Floor Plan - Proposed Extension to John Edwards Pavilion [⇒](#)
 - Attachment D John Edward Pavilion location [⇒](#)

20. CONFIDENTIAL REPORTS

Nil

21. QUESTIONS FROM MEMBERS

Nil

22. PUBLIC QUESTION TIME

Nil

23. NEXT MEETING DATE

Wednesday, 27 September 2017

24. CLOSURE

The meeting closed at 6.46pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 86 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 27 SEPTEMBER 2017.

DATE: _____

PRESIDING MEMBER: _____